

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 2896 OF 2018

(Shankar Gyandeo Sadawarti vs. The Shipping Corporation of India Ltd., thr. its Chairman & Managing Director & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
Z.A. HAQ, JJ.
JULY 11, 2018.**

Shri Ashwin Deshpande, learned counsel for the petitioner, Shri Sandeep Marne, learned counsel for respondent Nos. 1 & 2 and Shri A.M. Kadukar, learned AGP for respondent No. 3.

2. The matter was heard in the first half and tentatively expressing our opinion, it was adjourned to second half to enable Shri Deshpande, learned counsel to obtain instructions from the petitioner.

3. In the second half, upon instructions and in the presence of the petitioner, Shri Deshpande, learned counsel submits that the petitioner is ready and willing to face Departmental Enquiry. He also does not object to expeditious consideration of caste claim but points out that the petitioner claims that he was selected and appointed in open category, therefore, adjudication of caste claim has no bearing on his employment.

4. Shri Sandeep Marne, learned counsel submits that the grievance should not have come to Nagpur as the Principal Seat alone is competent to look into it. The

employment is within its jurisdiction, cause of action if any, is in its jurisdiction and it is the Caste Scrutiny Committee at Pune, which has passed the earlier order.

5. Shri Deshpande, learned counsel, has drawn our attention to the fact that earlier invalidation was questioned by the petitioner in appeal as per procedure then prevailing and the matter was remanded back to Committee. The Committee thereafter has not taken any decision.

6. Shri Kadukar, learned AGP for respondent No. 3 – Committee informs that no such caste claim is pending with it. He submits that after 1998 letter, there is no further persuasion even by the petitioner.

7. The petitioner claims that he has subsequently forwarded letters to the Committee for caste verification.

8. We are not inclined to go into any factual disputes. The respondents have asserted that on the eve of retirement and only to see that there is smooth superannuation, at the fag end, present petition was filed here and after obtaining interim orders, the petitioner has superannuated.

9. Again it is not necessary for us to comment on this contention as the petitioner has shown his readiness and willingness to face the Departmental Enquiry.

10. The earlier order of invalidation appears to have been passed by the Scrutiny Committee at Pune on 21.09.1999. At that juncture, for the State of Maharashtra, there was only one Scrutiny Committee that too at Pune. Hence, to avoid further complications and to expedite the process, we direct the petitioner to submit necessary papers

for caste verification to respondent No. 1 within two weeks from today. This will be without prejudice to the contentions and rights of the petitioner noted supra. After the receipt of said papers, Respondent No. 1 shall, within further period of two weeks, forward it to respondent No. 3 for verification. Again, this will be without prejudice to the contentions and rights of respondent Nos. 1 & 2 in the matter.

11. Respondent No. 3 shall, after receipt of papers, proceed further to verify the caste claim of the petitioner within next six months.

12. As the petitioner has undertaken to face the Departmental Enquiry, we need not delve on that aspect here in this matter.

13. If there are any other challenges, it is open to the petitioner to raise the same before the appropriate forum as per law.

14. With these observations and findings, we dispose of the present writ petition. However, in the facts and circumstances of the case, there shall be no order as to costs.

JUDGE

JUDGE

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