

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 649 OF 2018

BABARAO KONDBARAO GHUGE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Thombre S. S.
AGP for Respondents: Mr. S. K. Tambe

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CORAM: S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.

DATE: 27th MARCH, 2019

PER COURT :

1. Heard Mr. Thombre, learned Advocate for the petitioners.

2. The learned Advocate for the petitioners submits that the petitioners are similarly situated as the petitioners in Writ Petition No. 835 of 2014 and connected writ petitions decided under order dated 05.10.2015. According to the learned Advocate, these petitioners were parties in the Original Application wherein their Original Application was dismissed, however, could not file

the writ petition challenging the said order. Petitioner no. 5 died on 19.09.2014. Petitioners no. 2 to 4 are also dead. All other petitioners have attained the age of superannuation.

3. This Court under order dated 05.10.2015 in Writ Petition NO. 835 of 2014 with connected writ petitions had allowed the writ petitions setting aside the termination order dated 27.08.2012 and grant 50% back wages to the petitioners therein.

4. The petitioners did not challenge the same. They were fence sitters.

5. As the petitioners did not assail the order dismissing their Original Application for three years, we are not inclined to grant monetary benefit to the petitioners. However, the order of termination issued against the petitioners deserves to be set aside.

6. In the light of above, we pass following order.

7. The order dated 27.08.2012 terminating the services of the petitioners is quashed and set aside. The petitioners shall be deemed to be in service till they had attained the age of superannuation or till the date of death whichever is earlier.

8. In case the petitioners are entitled for pensionary benefits, the said period shall be counted for the purpose of continuity in service.

9. Writ Petition stands disposed of accordingly.
No costs.

[A. M. DHAVAL, J.] [S. V. GANGAPURWALA, J.]

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