

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9597 OF 2019

**SAYANNA CHINANNA NARAWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner : Mr. N. G. Kale
AGP for Respondent No. 1 : Mr. S. B. Narwade
Advocate for Respondents No. 2 & 3 :
Mr. A. D. Wange

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**CORAM: S. V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.**

DATE: 28th NOVEMBER, 2019

PER COURT:

1. The petitioner is challenging the termination order.

2. we have heard the learned counsel for the petitioner.

3. The petitioner is appointed as a Conductor from reserved category. Four times the notices were issued to the petitioner to submit the proposal for validity. The same is not submitted. It is only after the present writ petition is

filed, the petitioner submitted the proposal for validation.

4. It appears that there is gross negligence on the part of the petitioner in not submitting the proposal, however the respondent also did not take action against the petitioner and it is only in July-2019, the services of the petitioner were terminated for non submission of the validity certificate. The petitioner was appointed in the year-1990.

5. Considering the fact that the petitioner's services are terminated only on the ground of non submission of validity certificate and for no other reason and that now the validation proceeding is pending, we pass the following order.

6. The impugned order is quashed and set aside. The respondent shall reinstate the petitioner on the post on which the petitioner was working on the date of his dismissal. The reinstatement shall be made within fifteen (15) days. The petitioner

will not be entitled for any salary during the interregnum period i.e. date of termination till the date of reinstatement. However, the said period may be considered for continuity in service.

7. The committee shall decide the validation proceeding within nine (09) months. The petitioner shall cooperate in expeditious disposal of the said proceeding. The respondent / employer may take further course of action depending upon the judgment that will be delivered by the committee in the validation proceeding.

8. Writ Petition is accordingly allowed. No costs.

[AVINASH G. GHAROTE, J.] [S. V. GANGAPURWALA, J.]

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