

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.11314 OF 2019

Abdul Karim Khan s/o Gulam Hussain Khan

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.Syed Masood Chand, advocate for the petitioner.

Mr.V.M.Kagane, AGP for Respondents No.1 & 2.

Mr.A.N.Nagargoje, advocate for Respondent No.3.

Mr.Nitin S. Kadam, advocate for intervener in C.A.No.13295 of 2019.

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

DATE : 15th November, 2019

PER COURT:

1 We have heard learned Counsel for the petitioners and respective respondents.

2 The contention of the petitioner is that though he is a permanent employee, he has been terminated from service without inquiry.

3 It is not disputed by the respondents that the termination of the petitioner is without inquiry. However, it is contended that there are serious allegations against the petitioner.

4 Be that as it may. The termination is without inquiry and a permanent employee cannot be terminated without inquiry.

5 Mr.Nagargoje, learned Counsel for Respondent-Management, submits that the inquiry would be completed by the respondents within six months, the Respondent No.3-Management would place the petitioner under suspension.

6 It is for the Respondent-Management to take action in accordance with law.

7 In the light of above, the impugned termination order is quashed and set aside. The petitioner is reinstated to his original post. The period from the date of termination till reinstatement shall be considered for the purposes of continuity. However, we are not inclined to award back wages for the said period.

8 With these observations, writ petition stands disposed of.

9 In view of disposal of the writ petition, Civil Application No.13295 of 2019 also stands disposed of.

AVINASH G. GHAROTE
JUDGE

S.V.GANGAPURWALA
JUDGE

adb/