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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6240 OF 2019

Sind Cosmopolitan Education Society Trust & Ors. ... Petitioners

V/s.

Deepak Inder Ahuja & Anr. ... Respondents

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Ashok D. Shetty a/w R.K. Shetty & Swapnil P. Kamble for the
Petitioners.

M.P. Vashi, Sr. Advocate a/w Manisha M. Desai i/b M/s. M.P. Vashi
and Associates.

Mr. S. S. Panchpor, AGP for the State.

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CORAM : NITIN W. SAMBRE, J.

DATE : 4th JUNE, 2019.

P.C.:

The order which is interim in nature, passed by the School
Tribunal thereby directing reinstatement of the respondents-
employees is the subject matter of challenge.

2. The submissions are, the service of the respondents-employees
are terminated after completing the enquiry. In case if the tribunal
notices, certain material irregularity or illegality, the only option left
with the Tribunal is to remand the matter to the enquiry committee

to start enquiry from the stage at which such illegality was committed. According to the learned Counsel, the Tribunal is not armed with the power to grant reinstatement during pendency of the appeal preferred under Section 9 of MEPS Act, as same virtually amounts in granting final relief at the interim stage.

3. Shri M.P. Vashi, learned Senior Counsel supports the order and submits that the enquiry itself is not completed. According to him, the order passed by the Tribunal is self-explanatory. The Tribunal having prima-facie noticed that the dismissal of the respondents is illegal, has passed an interim order granting reinstatement.

4. Having considered the rival submissions, what is noticed is the Tribunal has proceeded to appreciate the contentions raised by the respective parties. Having satisfied that it is armed with the power to grant reinstatement passed on that Judgment of this Court is the matter of **Maharashtra Shikshan Sanstha, Nagpur and Another V/s Education Officer, Zilla Parishad, Nagpur and Others reported in 1995 (1) Mh.L.J. page 875**, exercise the powers of grant of reinstatement.

5. The Tribunal has recorded the detailed reasons for exercising such powers, viz. the non-completion of the enquiry and termination of the services of the respondents without authority. The Tribunal in categorical terms has expedited the hearing of the appeal and same is to be concluded within period of three months from the date of order i.e. 30th April 2019.

6. This Court has perused the reasons in support of grant of an order of reinstatement, which prima-facie appears to be germane to the cause. The Tribunal having satisfied itself that a prima-facie case is made out, has rightly exercised the powers of by passing the order, which is impugned in the petition. No infirmity or illegality at this stage can be noticed. The petition as such stands dismissed. Needless to observe that the Tribunal shall adhere to the order of expeditious hearing of the appeal.

7. The parties to the petition assures this Court that they shall cooperate with the Tribunal in expeditious disposal of the appeal.

(NITIN W. SAMBRE, J.)