

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

MISCELLANEOUS CIVIL APPLICATION NO.515 OF 2019

IN
WRIT PETITION NO.2510 OF 2017 (D)

Dharamsing Ranjitsingh Verma.

Vs.

Director, Department of Social Welfare (Maharashtra State) Pune and others.

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

Court's or Judge's orders

Mrs. R. S. Sirpurkar, Advocate for applicant.

Shri S. Bissa, Assistant Government Pleader for non-applicant nos.1 & 2.

Shri S. S. Chauhan, Advocate h/f Shri. P. S. Khubalkar, Advocate for respondent no.3.

Shri R. S. Kalangiwale, Advocate for respondent no.4.

Shri A. Ghawde, Advocate h/f Shri S. P. Bhandarkar, Advocate for respondent no.5.

CORAM : A. S. CHANDURKAR, J.

DATE : NOVEMBER 21, 2019.

This application has been filed by the original petitioner seeking review of the judgment dated 05.04.2019 passed in Writ Petition No.2510 of 2017. By that judgment, after setting aside the judgment of the University and College Tribunal dated 10.04.2017 the appeal was directed to be adjudicated afresh. It was observed that the question whether approval to the petitioner's appointment had been wrongly refused was a matter that could be considered by the University and College Tribunal.

During pendency of the present proceedings the original petitioner - employee and the Management have arrived at a compromise. As per that compromise it has been stated that in the College - respondent no.3 there are three posts of 'Clerk' available out of which two posts are for candidates from the open

category and one post is for candidates from the reserved category. One post from the open category is occupied by the respondent no.4 but his appointment is yet to be approved. The Management has agreed to recall the order of termination dated 15.12.2011 that was issued to the petitioner. His reinstatement with continuity in service on the post of 'Clerk' in the open category is proposed. The compromise pursis is signed by the petitioner and respondent no.5 – President. Accordingly, the terms of the compromise pursis are accepted and said terms would bind the signatories to the same.

Insofar as correction of the order of approval dated 29.07.1998 is concerned, since the proceedings have been remanded to the University and College Tribunal, this limited aspect can be considered by the University and College Tribunal. In the said appeal after that adjudication, the respondent no.1 would pass appropriate orders. Similarly it is open for the respondent no.5 to seek approval to the appointment of respondent no.4 without his rights being affected by pendency of the petitioners appeal. In terms of the judgment dated 05.04.2019, the parties shall appear before the University and College Tribunal on 09.12.2019.

The compromise terms are taken on record and marked as 'A'.

The review application is disposed of in aforesaid terms with no order as to costs.

JUDGE