

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

961 WRIT PETITION NO.405 OF 2020

THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL
SECRETARY PUBLIC HEALTH DEPARTMENT ..PETITIONER

VERSUS

DR OMPRAKASH GURUPAD KANADE ..RESPONDENTS

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Mr. A. R. Kale, A.G.P. for the Petitioner.

Mr. Sham B. Patil, Advocate for Respondent.

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**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATED : 08th JANUARY, 2020.

PER COURT:-

1. Mr. Kale, learned A.G.P. submits that the Tribunal allowed the Original Application filed by the present respondent on the ground that the Tribunal has allowed similar Original Application. However, distinguishing factor has not been considered by the Tribunal viz. extraordinary leave of the respondent. The learned A.G.P. further submits that the respondent was serving upto the year 2002 on Ad-hoc basis, the same has also been considered.

2. We have considered the matter on its own merits. The break in service given to the respondent on the account of ad-hoc appointment has been condoned by the Government under Resolution dated 20.01.2006. The extraordinary leave is also

sanctioned under order dated 01.08.2009 by the Government.

3. In light of that, both the grounds agitated by the learned A.G.P. cannot be sustained in view of the orders passed by the Government condoning the break in service and sanctioning the leave.

4. The notice for the voluntary retirement has been given after completion of 20 years and 1 month, thereby completing the qualifying period.

5. In light of the above, no case for interference is made out.

6. Writ Petition is disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE