

Sequeira

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

WRIT PETITION NO. 8548 OF 2009

Balasaheb Shivappa Ghongade

.. Petitioner

Vs

Union of India and others

.. Respondents

Mr.Balasaheb Deshmukh, for the Petitioner.

Mr.Neel Helekar a/w H.V.Mehta, for Respondents.

***CORAM : NITIN JAMDAR &
M.S.KARNIK, JJ.***

Date : 5 March 2020.

P.C. :

By this Petition, various reliefs have been sought by the Petitioner who was appointed as a Constable in Central Reserve Police Force.

2. The Petitioner's services were brought to an end by orders dated 24 June 2008 and 27 June 2008. The Petitioner was discharged from services as having been found medically unfit. The Medical Board had examined the Petitioner and had recorded that he was suffering from 50% disability. The Petitioner's prayer for Disability Pension was also rejected. The Petition has been pending since the year 2009. It was once dismissed and restored. Orders have been passed in this Petition from time to time. The learned Counsel for the Petitioner submits that Petitioner has received leave

encashment, gratuity, amount under GPAIS Scheme which is an accident insurance scheme, extra-ordinary pension, children allowances and risk fund. Extra-ordinary pension and the arrears have been paid with interest.

3. The learned Counsel for the Petitioner has drawn our attention to an order passed in Contempt Petition No.144 of 2015 wherein Respondents were directed to consider the representation of the Petitioner for future employment. The Contempt Petition has been disposed of however in the reply to the Contempt Petition the Respondents have referred to the order and have stated that the Petitioner was asked to attend a vocational training for re-employment as disabled person in the year 2017 where his appointment on clerical post could have been considered. It is stated that the Petitioner has submitted that he wants a gas agency or a petrol pump license and there is no such provision for the Respondents to grant the same. This reply is filed on 25 July 2017, to which there is no rejoinder. The stand of the Respondents regarding inability to grant gas agency or petrol pump license has not been controverted.

4. The learned Counsel for the Petitioner makes a grievance that he was never intimated about the refusal of his representation. The averments in the reply to the Contempt Petition are clear. No rejoinder controverting the same has been filed. Even today, if the

Petitioner can be in law and facts be appointed on some post, it is always open to the Respondents to consider the same if the Petitioner is willing to take the necessary steps. With these observations, Writ Petition is disposed of.

M.S.KARNIK, J.

NITIN JAMDAR, J.