

Dinesh S. Sherla
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9861 OF 2019

Naval K. Pal
 V/s.

...Petitioner

The General Manager,
 India Security Press Nashik Road,
 and ors.

...Respondents.

Mr. Karan S. Thorat for the Petitioner.

Mr. Adwait A. Agashe i/b Mr. Y.P. Narvankar for the Respondents.

CORAM : K.K.TATED &
N.R. BORKAR, JJ.
DATE : 8th DECEMBER, 2020.

P.C. :

1. Heard learned counsel for the parties.
2. By this petition under Article 226 of the Constitution of India, the petitioner is challenging the termination order dated 1.3.2017 issued by the Manager (Human Resources), Unit Head (HR), Unit of SPMCIL, India Security Press, Nashik Road terminating the services of the petitioner from the post of Supervisor in terms of clause 6 of the terms and conditions of offer of appointment.
3. During the course of arguments, Mr. Karan S. Thorat, learned counsel for the petitioner, submits that as the

respondents passed the order of termination without hearing the petitioner, in similar matters, this court set aside the termination order and directed them to hear and pass detailed order. In support of his contention, he relies on the order dated 11.4.2018 passed by this court in Writ Petition No. 11158 of 2017 alongwith other connected matters [(***Mrinal Jangley and ors. vs. The General Manager, India Security Press, Nashik Road and ors.***)] (annexed to the petition as Exhibit-M at page 71)].

4. Mr. Adwait A. Agashe, learned counsel for the respondents, submits that he received instructions from his clients to make statement before this court that they be permitted to withdraw the termination order dated 1.3.2017 with liberty to pass fresh order after hearing the petitioner. To that effect, learned counsel for respondent No.1 as well as the petitioner filed the Minutes, which we have marked as "X" for identification. The said minutes read thus:-

"MINUTES

"1. Pursuant to the Judgement and Order dt.11/04/2018 passed by this Hon'ble Court in similar Writ Petitions viz. Writ Petition Nos.11158/2017, 4622/2017, 4623/2017 & 4624/2017, the Respondents (ISP, Nashik a unit of SPMCIL) hereby agree that they shall pass a reasoned Order after granting opportunity of hearing to the Petitioner.

2. The Respondents are hereby withdrawing the impugned Order of termination dt.01/03/2017 and will pass a fresh reasoned Order within 10 days. The parties fully understand that matter is not heard on merits and all the contentions of the parties are kept expressly open.

3. The Petitioner will at liberty to file a fresh representation with documents, if any and fully cooperate with the Respondent Authority for expeditious hearing.

4. The Respondents shall grant an opportunity of hearing to the Petitioner and shall decide the said Representation within period of 10 days on merits."

5. Hence, by consent of both parties, following order is passed.

a. Respondents are permitted to withdraw the order passed by them on 1.3.2017 terminating the services of the petitioner from the post of Supervisor.

b. Liberty is granted to the petitioner to file appropriate application along with relevant documents with the respondents on or before 11.12.2020.

c. The respondents are directed to hear the petitioner and pass detailed order on or before 22.12.2020 and serve the copy of the order upon the petitioner immediately, thereafter.

- d. Writ Petition stands disposed of, accordingly.
- e. No order as to costs.
- f. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on a digitally signed copy of this order.

[N.R.BORKAR, J]

[K.K.TATED, J]