

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

**MISC. CIVIL APPLICATION NO. 677/2016 IN WRIT PETITION NO. 1568/1997**

Dr. Rajendra s/o Narayanrao Wagh since deceased thr. Lrs. Vs State of Maharashtra &  
ors.

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Office notes Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders.

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Shri R. Tajane, Advocate for petitioner/applicant No.3.  
Shri K. L. Dharmadhikari, Assistant Government Pleader for respondent  
Nos. 1 & 2.

**CORAM : A.S.CHANDURKAR AND VINAY JOSHI, JJ.**  
**DATED : JANUARY 27, 2020.**

Perused the contents of the civil application and considered the statements made therein. Though the prayer made in the application is opposed by the non-applicants, the Writ Petition is restored in so far as the original petitioner No. 3 is concerned.

2. Miscellaneous application is allowed and disposed of.

**WRIT PETITION NO. 1568/1997**

Writ Petition No. 1568/1997 was filed by three petitioners challenging the order of termination dated 02.06.1997. The said writ petition was heard and by judgment dated 31.03.2016 and 01.04.2016, it was allowed in so far as the petitioner Nos. 1 and 2 are concerned. The order of termination issued to them was set aside. The Writ Petition was however, dismissed in so far as the petitioner No. 3 is concerned. The petitioner Nos. 1 and 2 were held entitled to monetary

compensation in the form of salary for period of 36 months in lieu of service rendered by them. On behalf of petitioner No. 3, it is submitted that the case of the petitioner No. 3 is similar to the cases of the petitioner Nos. 1 and 2 and therefore, identical relief be granted to the petitioner No. 3. It is also submitted that the judgment of this Court was challenged before the Hon'ble Supreme Court and on 08.04.2019, the Special Leave Petition has been dismissed. Shri K. L. Dharmadhikari, learned Assistant Government Pleader for respondent Nos. 1 and 2 does not dispute the factual aspects of the matter and the fact that the order passed by this Court has been affirmed by the Hon'ble Supreme Court.

2. Considering the fact that the Writ Petition was dismissed against the petitioner No. 3 for want of prosecution and the Writ Petition has now been restored coupled with the fact that the petitioner No. 3 is similarly situated to the petitioner Nos. 1 and 2, we find that similar relief can also be granted to the petitioner No. 3.

3. Accordingly, for the reasons recorded in the judgment dated 31.03.2016 and 01.04.2016 in Writ Petition No. 1568/1997, it is held that the petitioner No. 3 is also entitled to receive salary for the period of 36 months in lieu of compensation. The direction issued in paragraph Nos. 28 to 31 of the said judgment shall also be applicable to the case of the petitioner No. 3.

4. The Writ Petition is accordingly allowed and disposed of in so far as petitioner No. 3 is concerned in aforesaid Terms. No costs.

**JUDGE**

**JUDGE**