

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

WRIT PETITION NO.2094 OF 2022

Rohan R. Awate .. Petitioner.
v/s.
The State of Maharashtra .. Respondent.

Mr. Vikram S.Undre, for the Petitioner.
Mr. R. P. Kadam, AGP for the Respondent-State.

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**CORAM: S.V. GANGAPURWALA, ACJ &
S.G.CHAPALGAONKAR,J.
DATED : 22nd DECEMBER, 2022.**

PC:-

We have heard the learned Counsel Mr. Undre, for the
Petitioner and the learned AGP

2 The learned Counsel for the Petitioner submits that clause 7
of the appointment order is onerous. The Petitioner has earlier worked for
six months with the Respondents and has already gone under training. It
would be unnecessary now to ask the Petitioner to undergo training again.

3 The learned AGP refers to para 7 of the order of the Tribunal.
Para 7 of the order reads thus:-

*“7:- We accept this additional affidavit filed by the applicant
and direct the applicant to make application to respondent
No.1 along with similar affidavit and undertaking.
Respondent No.1 to consider the undertaking given by the
applicant that he will not claim service benefits of his earlier
service. So the applicant can be considered for fresh
appointment and he can be treated as fresh appointee from
the date when the respondents will take the decision.”*

4 As per the said order of the Tribunal on which the Petitioner as well as the Respondent relied, the Petitioner will not be entitled to claim service benefits of his earlier service. So also, has to be treated as a fresh appointee from the date Respondent will take decision. In fact, the Petitioner ought to have sought clarification from the Tribunal.

5 The learned Counsel for the Petitioner submits that he would approach the Tribunal for seeking necessary orders/ clarification.

6 The Petitioner may seek clarification/ order as may be permissible under the law.

7 Writ Petition is disposed of. No costs.

(S.G.CHAPALGAONKAR,J.)

(ACTING CHIEF JUSTICE)