

Sonali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 696 OF 2021**

Pandit Dnyanoba Ware ...Petitioner
Versus
Supreme Facility Management Pvt Ltd & Ors ...Respondent

Dr Uday P Warunjikar, for the Petitioner.
Mr Avinash Belge, i/b TR Yadav, for Respondent No.1.
Mr Kiran Bapat, for Respondent No.2.

**CORAM G.S. Patel &
Madhav J. Jamdar, JJ.**
DATED: 10th February 2022

**SONALI
MILIND
PATIL**

PC:-

1. We note the statement of Respondent No.1 on Affidavit at page 29 and particularly in paragraph 4 at page 30 that the 1st Respondent is willing to reinstate the Petitioner without delay. An offer of reinstatement has been made including letters of 8th February 2021 at page 33 and 4th March 2021 at page 35.

2. As regards the question of wages, the 1st Respondent has stated that the Petitioner has been paid wages from March to May 2020 until the lockdown was lifted and then received salary until September 2021. If the Petitioner has any further grievances, the

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Petitioner is at liberty to adopt appropriate proceedings in a competent Court of competent jurisdiction in that regard.

3. So far as the question of Petitioner commuting from his residence at Bhima-Koregaon is concerned, Mr Warunjikar's statement is that the 2nd Respondent, Tata Motors, had or has a contract with the 1st Respondent. The 1st Respondent says that contract has ended. Mr Warunjikar says otherwise. We cannot go into such a question. Mr Warunjikar says that Tata Motors used to permit the Petitioner to ride on the bus used by Tata Motors for its employees. We cannot issue a mandamus for this to continue. We certainly cannot issue a mandamus that Tata Motors must continue to have a business or contractual relationship with the 1st Respondent. It is one thing to ask for reinstatement with the 1st Respondent. It is quite another to demand that the 1st Respondent should have a continuing relationship in business with the 2nd Respondent or that Petitioner should be deputed to, and only to, the 2nd Respondent's facility at Pimpri Chinchwad. Once the Petitioner is reinstated as an employee of the 1st Respondent, the Petitioner is expected to work as every other employee in tasks that are skill-appropriate and having regard to the Petitioner's specific condition.

4. If there is any lacuna in the setting up of commuting or transport services and which are within the province of the appropriate Government or the local authorities, it is open to the Petitioner to file appropriate proceedings against the relevant authorities. Similarly, if, according to the Petitioners, Section 35 of the Rights of Persons with Disabilities Act, 2016 gives the Petitioner

an enforceable right such as lends itself to the issuance of a Writ of mandamus or otherwise, we leave it open to the Petitioner to pursue those remedies.

5. We do not believe that any further directions are required in this Petition. The Petition is disposed of in these terms. There will be no order as to costs.

6. All concerned will act on production of a digitally signed copy of this order.

(Madhav J. Jamdar, J)

(G. S. Patel, J)