

AGK

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

WRIT PETITION NO.10790 OF 2022

Assistant Commissioner,
Social Welfare Officer & Ors.

...Petitioners

V/s.

Trupti Ravindra Apte & Ors.

...Respondents

Mr. B. V. Samant, AGP for the petitioners/State.

Mr. Balasaheb Deshmukh for the respondents.

**CORAM: DIPANKAR DATTA, CJ. &
MADHAV J. JAMDAR, J.**

DATE: SEPTEMBER 28, 2022

P.C.:

1. This writ petition is directed against the judgment and order dated 22nd March 2022 of the Maharashtra Administrative Tribunal, Mumbai (hereafter "the Tribunal", for short) on Original Application No. 879 of 2018. By the said order, the original application was allowed by directing as follows:

"O R D E R

- (a) We quash and set aside the orders of termination and we restore the appointments of all the applicants.
- (b) Their service is shown to be continued and seniority is to be maintained from the earlier first date of appointment.
- (c) We make it clear that they are not entitled to salary during the termination period by applying the principle of 'no work no pay'.

(d) The order is to be complied with on or before 10.04.2022.”

2. The petitioners before us, who were the original respondents before the Tribunal, seek to assail the order of the Tribunal on the ground that though the services of the original applicants, respondents before us, were terminated admittedly without compliance with the principles of natural justice resulting in their reinstatement in service, the order does not grant any liberty to the petitioners to proceed against the respondents after complying with natural justice.

3. We find substance in the contention raised on behalf of the petitioners and, therefore, while declining interference with the order of the Tribunal to the extent it sets aside the order of termination and directs reinstatement of the respondents in service together with other benefits as indicated in the operative part of the order, we grant the petitioners liberty to proceed against the respondents, if they are the beneficiaries of illegal actions, by issuing appropriate show-cause notice and calling for explanation why their services shall not be terminated. If such notice is issued, the respondents shall be granted reasonable opportunity of defence.

4. With the aforesaid clarification, this writ petition stands disposed of. No costs.

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(MADHAV J. JAMDAR, J.)

(CHIEF JUSTICE)