

**BASAVRAJ
GURAPPA
PATIL**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.485 OF 2021**

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BASAVRAJ GURAPPA
PATIL

Date: 2023.03.24
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Ganesh Trambak Patole

.. Petitioner

Vs.

Union of India and ors.

.. Respondents

**WITH
INTERIM APPLICATION NO.18317 OF 2022
IN
WRIT PETITION NO.485 OF 2021**

Yogesh Madhukar Mandave & Ors.

.. Applicants

Vs.

Ganesh Trambak Patole & Ors.

.. Respondents

**WITH
WRIT PETITION NO.487 OF 2021**

Bhausahab Kacharu Jundre

.. Petitioner

Vs.

Union of India and ors.

.. Respondents

**WITH
WRIT PETITION NO.483 OF 2021**

Shankar Bhagwan Palde

.. Petitioner

Vs.

Union of India and ors.

.. Respondents

**WITH
WRIT PETITION NO.3207 OF 2020**

Pandharinath Sukdev Gawande

.. Petitioner

Vs.

Union of India and ors.

.. Respondents

**WITH
WRIT PETITION NO.6474 OF 2021**

Dinkar Ashok Patole

.. Petitioner

Vs.

Union of India and ors.

.. Respondents

**WITH
WRIT PETITION NO.6473 OF 2021**

Punam Kumari .. Petitioner
Vs.
Union of India and ors. .. Respondents

**WITH
WRIT PETITION NO.6472 OF 2021**

Manoj Prabhakar Shinde .. Petitioner
Vs.
Union of India and ors. .. Respondents

**WITH
WRIT PETITION NO.3904 OF 2021**

Pravin Shivaji Gawali .. Petitioner
Vs.
Union of India and ors. .. Respondents

**WITH
WRIT PETITION NO.3219 OF 2020**

Rajesh Bhikari Pardhe .. Petitioner
Vs.
Union of India and ors. .. Respondents

**WITH
WRIT PETITION NO.398 OF 2021**

Santosh Digambar Kshirsagar .. Petitioner
Vs.
Union of India and ors. .. Respondents

**WITH
WRIT PETITION NO.3905 OF 2021**

Shubham Laxman Waghchoure .. Petitioner
Vs.
Union of India and ors. .. Respondents

**WITH
WRIT PETITION NO.3223 OF 2020**

Yogesh Pandurang Chavanke
Vs.

.. Petitioner

Union of India and ors.

.. Respondents

**WITH
WRIT PETITION NO.5522 OF 2021**

Sachin Chandrakant Satre
Vs.

.. Petitioner

Union of India and ors.

.. Respondents

**WITH
WRIT PETITION NO.5527 OF 2021**

Sachin Govind Adke
Vs.

.. Petitioner

Union of India and ors.

.. Respondents

**WITH
WRIT PETITION NO.5528 OF 2021**

Suresh Dagadu Chaure
Vs.

.. Petitioner

Union of India and ors.

.. Respondents

**WITH
WRIT PETITION ST. NO. 17214 OF 2021**

Vinod Kumar s/o Hazari Lal
Vs.

.. Petitioner

Union of India & Ors.

.. Respondents

**WITH
WRIT PETITION ST. NO. 18657 OF 2021**

Sagar Nana Borale
Vs.

.. Petitioner

Union of India & Ors.

.. Respondents

**WITH
WRIT PETITION ST. NO.18689 OF 2021**

Sachin Kisan Patole

.. Petitioner

Vs.

Union of India and ors.

..
Respondents

Mr. Anil Anturkar, Sr. Advocate i/b Mr. Shubham Misar for
Petitioner in Writ Petition No. 485/2021

Ms. Prachiti Deshpande for Petitioners in Writ Petition Nos.
3904/2021, 3219/2020, 398/2021, 3905/2021, 5522/2021,
5527/2021, 5528/2021, WP(ST) Nos. 17214/2021 & 18657/2021.

Mr. Rahul Walia for Petitioner in Writ Petition No. 3223/2020

Mr. Vicky A. Nagrani for Petitioner in WP(ST) 18689/2021

Mr. Prashant D. Patil for Intervener in IA/18317/2022

Ms. Shilpab Talhar for Petitioner in Writ Petition Nos. 6474/2021,
6473/2021 & 6472/2021

Mr. R. R. Shetty a/w Mr. Prasenjit Khosla a/w Mr. A. A. Garge for
Respondents (UOI) in Writ Petition Nos. 3219/2020, 398/2021,
3905/2021, 3904/2021, 5522/2021, 5528/2021, 5527/2021,
3223/2020, 487/2021, 483/2021, 3207/2020, WP(ST) 18657/2021,
18689/2021, 17214/2021, IA No. 18317/2022 in Writ Petition No.
485/2021.

Mr. Suresh Kumar for Respondents in Writ Petition No. 3223/2020.

**CORAM: S.V.GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATED : MARCH 21, 2023

ORAL ORDER : (PER : ACTING CHIEF JUSTICE)

1. Rule.

Rule is made returnable forthwith.

By consent of the parties, taken up for final disposal.

2. All these Petitioners assail the order of the Central Administrative Tribunal (for short “**the Tribunal**”) dismissing their Original Applications.

3. The Petitioners were selected and appointed as Multi Tasking Staff (MTS) pursuant to the advertisement and selection process. The said appointments orders were given on or about 9th December 2016. On or about 19th November 2018 Respondent No.4 served show cause notice upon the Petitioners to show cause as to why the services of the Petitioners should not be terminated. The Petitioners replied to the show cause notice. Respondent No.4 terminated the services of the Petitioners. Aggrieved thereby, the Petitioners filed Original Applications before the Tribunal. The said Original Applications are dismissed. Aggrieved thereby, the present petitions.

4. The services of the Petitioners were terminated allegedly on the ground that upon a complaint being received alleging irregularities in the selection process, a court of inquiry was ordered on 28th August 2017 to investigate into the alleged improprieties / irregularities. As per the Recruitment Policy applicable, the skill/practical/physical test was only of qualifying nature and its marks were not to be added in the final merit list. However, contrary

to the policy, the selection board did not fix the minimum qualifying marks for skill/practical/physical test but added its marks while preparing the final merit list. The selection board suffers from the inconsistency, the procedure followed in the selection process, is not conforming to the Rules.

5. The matter was heard finally by the Tribunal. The arguments canvassed by the learned Counsel for the respective parties were quoted in the judgment.

6. Mr. Anturkar, the learned Senior Advocate for the Petitioners and also the learned Advocates for the respective Petitioners canvassed their submissions. According to them, exhaustive arguments were advanced and some of the arguments though quoted by the Tribunal, no reasons are recorded for not accepting the contentions of the Petitioners. The detailed arguments were advanced about the selection process being conducted in free and fair manner and in respect of other aspects but the same have not been considered.

7. Mr. Shetty, the learned Counsel for the Respondents tried his best to support the judgment of the Tribunal. On being confronted about the reasons not appearing in the judgment, Mr. Shetty, the learned Counsel for the Respondents was at pains to subscribe to the

judgment of the Tribunal.

8. We have considered the submissions canvassed by the learned Senior Advocate and the learned Advocates for the respective parties. We have also gone through the judgment.

9. Upto paragraph 12, facts of the case and the arguments advanced by the respective counsel have been jotted down by the Tribunal. The reasons appear to be only in paragraph Nos.13 and 14.

Paragraph Nos.13 and 14 are reproduced as under:

“13. The learned counsels for the parties have been heard carefully. The applicants have pleaded that they have suffered grievously. The learned counsel for the respondents further assures that the respondents have conducted the fresh selection without being prejudiced by the applicants in the present OAs. We also do not find anything wrong in the impugned orders of the respondents wherein they have indicated the authority to terminate the temporary appointment of the applicants who were then on probation at the time of termination and in which they have also cited reasons and basis for the said termination orders.

14. In view of the aforesaid facts and submissions, when the findings of the Court of Inquiry, referred to herein above is neither under challenge nor any reasons cited to question the impartiality thereof, we do not find any merit in the aforesaid OAs. It is also directed to the respondents that the decision of the selection process may be taken forward for which the previous interim order already granted in the matter stands withdrawn. Accordingly, the aforesaid OAs are disposed of. No order as to costs.”

10. Perusal of the said order, it is manifest that no reasons are

recorded by the Tribunal. The arguments advanced by the parties have not been dealt with while arriving at the final conclusion. No reasons are appearing in the judgment as to why the case of the Petitioners is not to be accepted and/or case of the Respondents is to be accepted.

11. The reasons now are considered to be third limb of the principles of natural justice. Reasons depict application of mind of the Authority/Court passing the order. The reasons are the link between the arguments and the conclusion drawn. The order / judgment bereft of reasons cannot be sustained, as the same would tantamount to non adherence to the principles of natural justice.

12. In light of the above, we set aside the impugned judgments and relegate the parties before the Tribunal.

13. The parties shall appear before the Tribunal on 10th April 2023. As the date for appearance is already given, it will not be necessary for the Tribunal to issue fresh notices to the parties concerned.

14. This Court, on 6th October 2021 had passed an interim order wherein Respondent No.3 was at liberty to carry forward the fresh selection process and to take the same to its logical conclusion;

however, orders of appointment shall not be issued to the selected candidates without obtaining leave of this Court. Said interim order would continue till final decision of the Original Applications before the Tribunal.

15. Considering the long pendency of the matter, we request the Tribunal to hear the Original Applications expeditiously.

16. It is made clear that we have not considered the merits of the contentions of either parties and same are to be considered by the Tribunal.

17. A request is made by the selected candidates for impleading them as party. They may apply to the Tribunal for the said purpose.

18. Rule is accordingly made absolute.

19. The Writ Petitions are disposed of.

20. The Interim Application also stands disposed of.

(SANDEEP V. MARNE, J)

(ACTING CHIEF JUSTICE)