

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

Writ Petition No.3365/2022

Bala Janba Tembhurde,
Aged about 50 years, occ.- Labour,
R/o.-C/o. Naresh Ramgirwar,
Rangaripura Ward No.7, Wani, District Yavatmal. ... Petitioner

VERSUS

1. Lok Vikas Shikshan Sanstha,
through its Secretary,
New Snehnagar, Laxminarayan Sabhagruha,
Near Wardha Road, Nagpur-440015.
2. Principal,
Pratibha Prarthamik Ashram Shala, Jalka,
Governed by Lok Vikas Shikshan Sanstha,
Wani At P.O. Jalka, Tahsil Ralegaon, District Yavatmal.
3. Project Officer,
Ekatomik Adivasi Vikas Pandharkawda Division,
District Yavatmal.
4. Additional Commissioner
Tribal Development Amravati Division,
Maltekdi, Amravati. ...Respondents

Mr. G.C. Khond, Advocate for the petitioner.
Dr. B.G. Kulkarni, Advocate for respondents 1 and 2.
Mrs. K.S. Joshi, AGP for respondents 3 and 4.

CORAM : Rohit B Deo & M.W. Chandwani, JJ.

DATE : 04-07-2023.

JUDGMENT (Per M.W. Chandwani, J.)

By the present Writ Petition, the petitioner is seeking directions to the respondents to reinstate him in the service from August 2004.

2. The petitioner was working as a Labourer on daily-wages with respondent 2 school from the year 1996. The appointment made by the respondent 2 was confirmed by respondent 3-Project Officer. In the year 2004, the petitioner was suffering from serious ailment. Therefore, he was unable to attend the office on medical ground. He submitted letter along with Medical Certificate dated 25-07-2004. In-spite of submitting the certificate issued by competent authority, the respondent 2 asked the petitioner to submit Medical Certificate issued by the Medical Board. The petitioner submitted the certificate issued by the Medical Board. It is claimed that the respondents 1 and 2 directed the petitioner to join the duties, but did not allow him to sign the muster. Thereafter, after few months, respondent 1 and 2 without information or any letter terminated the services of the petitioner. The petitioner submitted the representation to the respondents for reinstatement. That said representation was never replied by the respondents.

3. In the year 2008, the petitioner submitted the proposal for withdrawal of provident fund. As the respondent 2 did not submit the proposal properly, the present petition came to be filed by the petitioner for directions to the respondents to reinstate him in service with full back-wages.

4. The respondents 1 and 2 appeared and denied the contention made by the petitioner inter alia contending that the petitioner was appointed as a Helper in the year 1996. From the years 2001 to 2004, the petitioner used to remain absent being alcoholic. From January 2004, the petitioner never attended the duties. After submitting certificate of Medical Board in August 2004, the petitioner was asked to join the duties, but he did not join the duties and remained absent. After the period of 5 years, the respondent 2 had submitted fresh proposal for filling up the vacancy at the post of petitioner. Accordingly, one Mr. Gilbile was selected. The petitioner had applied for refund of amount of Provident fund. In the said application, the petitioner had in clear terms admitted that from January 2004 he had left the job.

5. We need not to delve deeper on the issue, as the apart from submitting the application for refund of Provident Fund amount by the petitioner by mentioning that he had left the job, the petition is suffering from gross delay and laches. Almost after a period of 18 years from August 2004, the petitioner approaches this Court for his reinstatement in services. We are not inclined to entertain this petition under writ jurisdiction. The petition is dismissed.

Judge

Judge