

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8840 OF 2022

Dilip Ramdas Mahale

...Petitioner

Versus

United India Insurance Company Ltd. And Ors.

...Respondents

Mr. Sumant R. Deshpande for the Petitioner.

Mr. Vipul Shukla i/b. S. Shenoy & Associates for Respondent Nos. 1 and 2.

Mr. A.R. Varma a/w. Mr. Vinit V. Jain for Respondent No.3-(UOI).

Mr. B.V. Samant, Addl. GP a/w Mr. A. R. Deolekar, AGP for Respondent No.4.

**CORAM: NITIN JAMDAR &
M.M. SATHAYE, JJ.**

DATE : 3 JULY 2024

P.C.:

1. The Petitioner has filed this petition for seeking a writ of Mandamus to the Respondents to reinstate the Petitioner in service. The Petitioner has been removed from service on 6 February 2002 as the Petitioner was found guilty of the offence punishable under Section 304 part 2 of the India Penal Code, 1860.

2. The relief of Mandamus is sought on the basis that the Petitioner is acquitted in Criminal Appeal No. 904 of 2001 by this Court on 8th/ 9th September 2021. The Petitioner's application to take him back in service is not responded. The Respondent-employer will have to examine the decision of acquittal with the prevailing legal position and take necessary decision.

3. We permit the Petitioner to file compilation of decisions in support of his representation already made to the Respondent-employer. The compilation be given within a period of two weeks.
4. The Respondent- employer will examine the legal position placed on record by the Petitioner and thereafter take necessary decision as regards the Petitioner's prayer for reinstatement in the service. The decision be communicated to the Petitioner and the decision be taken with reasons and after dealing with the legal position and judgments placed on record by the Petitioner. Decision be taken within a period of four weeks after the Petitioner has submitted the said compilation. In case, the decision is adverse to the Petitioner, we keep the recourse of the petitioner to avail appropriate remedy open.
5. Writ petition is accordingly disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)