



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

WRIT PETITION NO. 1707 OF 2018

(Dattaraj s/o Harishchandra Panjabi ..vs.. Zilla Parishad, Amravati, through CEO and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.D. Girdekar, Counsel for the petitioner,
Mr. J.B. Kasat, Counsel for the respondents.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 06-08-2024

We have perused the judgment passed by the
Division Bench of this Court in Writ Petition
No.3860/2015, paragraph 6 of which reads thus -

*“6. Taking into consideration this aspect, we
are inclined to allow the petition in the following
terms;*

*Respondent No.2 is directed to reinstate the
petitioner and protect his services. However, it is
made clear that the petitioner would not be entitled
to any of the benefits on the basis of his claim of
belonging to “Bhope” caste which comes under N.T.
(B) category. It is further made clear that though
the petitioner would not be entitled for any salary
for the period during which he was out of
employment, however, the said period shall be
construed to be the period as if the petitioner was
in employment for all other purposes including the
seniority and consequential benefits.”*

2. In the backdrop of aforesaid directions issued by
this Court, the petitioner was reinstated, however, little
late in time.

3. The period for which the respondent consumed time in reinstatement of the petitioner is ordered to be treated as leave without pay when the earned leave was very much available to the credit of the petitioner as has been claimed by him during hearing.

4. If the earned leave is available to the credit of the petitioner, we hardly see any reason as to why from the date of termination i.e. 23-6-2015 till the date of passing of the order i.e. 14/8/2025 in writ petition the petitioner can be said to be entitled to avail the same. In case, if the earned leave are not available, we need to clarify that the petitioner's services for said period be treated as leave without pay. As far as the period from 14-8-2015 i.e. the date on which the Writ Petition No.3860/2015 was decided till the date of reinstatement of the petitioner i.e. 23-11-2015, in our opinion, it was the failure of the respondent-employer to forthwith reinstate the petitioner and start his salary.

5. It is only after the petitioner made a representation to the respondent-employer, the petitioner is reinstated and as such cannot be blamed for the default of the respondent-employer.

6. As such, we hereby declare that the petitioner shall be entitled for the salary from 14-8-2015 till 23-11-2015. Let the salary for the aforesaid period be

paid by the respondent-employer to the petitioner within a period of two months from today.

7. The petition is allowed in the above terms.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

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