

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

WRIT PETITION NO.3101 OF 2024

The Secretary

Yashwant Shikshan Sanstha & Anr.

V/S

Raju Babasaheb Ghadage & Ors.

....Petitioners

....Respondents

Mr. Y.B. Lengare with Mr. Aditya K. Gaikwad *for the Petitioners.*

Mr. Sumit Sonare with Mr. Anup Kamble i/b Mr. Aditya Raktade *for Respondent No.1.*

Mr. Hamid Mulla, AGP *for Respondent No.3 / State.*

**CORAM: SANDEEP V. MARNE, J.
DATE : 20 FEBRUARY 2025.**

P.C.:

1. The Petition challenges judgment and order dated 13 April 2013 passed by learned Presiding Officer, Savitribai Phule, Pune, Shivaji and Solapur University and College Tribunal, Pune, allowing Appeal No.3 of 2018 and setting aside termination order dated 17 September 2018 with further directions for reinstatement of the Respondent No.1-employee with effect from 17 September 2018 alongwith backwages and continuity of service. The Petitioner-Management is also directed to pay costs of Rs.10,000/- to the Respondent No.1.

2. It appears that the Petitioner-Management had earlier terminated the services of the Respondent No.1 on 22 August

2015. Appeal No.5 of 2014 challenging termination order dated 22 August 2015 was partly allowed directing reinstatement of the Respondent No.1 with liberty to conduct fresh enquiry against the Respondent No.1.

3. It appears that during the course of conduct of fresh enquiry the Respondent No.1 allegedly misconducted again on 14 September 2018, which resulted in second termination order dated 17 September 2018. This time, no enquiry was conducted by the Petitioner-Management while dismissing the Respondent No.1 on 17 September 2018.

4. Admittedly the services are terminated on 17 September 2018 without holding any enquiry. Though a farcical picture is created by showing withdrawal of termination order dated 17 September 2018 vide letter dated 25 September 2018, 5 October 2018, 11 October 2018 and 16 November 2018, the Respondent No.1-employee has pleaded before the College Tribunal that when he approached the Petitioner-Management with a request for reinstatement in pursuance of letter dated 25 September 2018, he was driven away without permitting him to enter the college premises. In my view therefore, the order of reinstatement with backwages need be disturbed.

5. It appears that a fresh termination order dated 3 August 2019 is issued by Petitioner-Management which is subject matter

of fresh appeal filed before the Tribunal. In the event the Petitioner-Management demonstrates before the University Tribunal that second termination order dated 3 August 2019 is valid, implementation of the order dated 13 April 2023 would involve payment of salary and allowances only from 17 September 2018 to 3 August 2019. The order passed by the College Tribunal on 13 April 2013 does not really interfere with any other pending matter.

6. Mr. Lengare the learned counsel appearing for Respondent No.1-employee would highlight the position that the present Petition is required to be remanded back so as to enable the Tribunal to decide Appeal No.5 of 2014 together with Appeal challenging subsequent termination letter dated 3 August 2019. I am unable to agree. Both the terminations are effected apparently on the basis of different and distinct grounds. Even if the Petitioner- Management successfully demonstrates before the College Tribunal that subsequent termination order dated 3 August 2019 is valid, it will have to still pay salary and allowances in respect of the date of first termination - 17 September 2018 and the date of second termination on 3 August 2019.

7. I therefore do not find any valid ground to interfere in the impugned order of the Tribunal. Petitioner-Management shall pay to the Respondent No.1-employee the salary and allowances

for the period from 17 September 2018 to 3 August 2019 within a period of eight weeks from today. Now that the Respondent-workman is terminated on 3 August 2019, there is no question of his reinstatement.

8. Upholding of the termination order dated 17 September 2018 shall have no impact on the validity of second termination order dated 3 August 2019. All rights and contentions of the respective parties *qua* termination order dated 3 August 2019 are expressly kept open.

9. Considering the facts and circumstances of the present case, the direction of the Tribunal for payment of costs of Rs.10,000/- is made easy.

10. With the above directions, the Writ Petition is **disposed of**.

(SANDEEP V. MARNE, J.)

Digitally signed
by
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