

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CIVIL APPLICATION NO.941 OF 2005
IN
WRIT PETITION NO.2133 OF 2001

Shri Arun Jagannath Mandwekar

Applicant

Vs.

The Dean,
B.J.Medical College & anr.

Respondents

Mr.Sanjay Kshirsagar for applicant.
Mr.M.H.Solkar, AGP for respondents.

CORAM: B.H.MARLAPALLE,J.
June 30, 2005.

ORAL ORDER:

1. Writ Petition No.2133 of 2001 has been filed by B.J.Medical college, which is a Government medical college. While granting rule this Court refused stay on the order of reinstatement granted in favour of the respondent. Under such circumstances this Civil Application seeking directions to appoint him would not be tenable. It was submitted that the applicant was reinstated but was posted in the postmortem department which was not to the liking of the applicant. It was further submitted that due to some unwarranted acts of the applicant the employer-employee relations are strained. The affidavit-in-reply filed by the Administrative

Officer from the Medical College states that the order of reinstatement was duly implemented. He was posted in dissection room as attendant and instead of joining the duties the applicant by his letter dated 20-5-2002 made false and illegal claim and failed to join duties. It appears that he has also lodged Complaint (ULP) No.22 of 2002 under Section 48(1) of the MRTU & PULP Act, 1971 for implementation of the award passed in Reference (IDA) No.76 of 1995. Needless to mention the said complaint is not maintainable. It would be, therefore, desirable for the applicant to withdraw all such proceedings / complaints and resume his duties for the sake of his welfare.

2. This civil application is disposed off as not tenable.

(B.H.MARLAPALLE,J.)