

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 566 OF 2015

SHOBHA RAMESH PATHAK
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioner : Mr. Joshi Sujeet D
AGP for Respondents 1 and 2: Mr. K.J. Ghute Patil
.....

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 8th JULY, 2015

P.C. :-

1. The petitioner had filed Original Application alongwith application for condonation of delay assailing the order of dismissal. The application for condonation of delay is rejected. The petitioner has filed the present writ petition.

2. Mr. Joshi, learned counsel for the petitioner submits that a show cause notice was issued to the petitioner after conclusion of departmental inquiry on the premise that why the petitioner should not be removed from service. The said show cause notice was assailed before the Tribunal. The Tribunal rejected the Original Application. The said order is confirmed up to this Court. In the interregnum, the respondents issued an order of dismissal. The

same was assailed before the Tribunal. However, there was delay, an application for condonation of delay was filed and it was rejected. It is a case of sufficient cause in not approaching the Tribunal within stipulated period. Learned counsel submits that the petitioner has given representation on 15.12.2011, however, no decision has been taken over the same. The said representation is with regard to the fact that the show cause notice was given to the petitioner in respect of removal from service, however, contrary to the said show cause notice, the petitioner is dismissed from service. The respondents at least should be directed to decide the said representation.

3. Mr. Ghute Patil, the learned A.G.P. submits that the reasons are given by the Tribunal. There was no sufficient cause for the delay caused. As such, the Tribunal has rightly rejected the same. The petitioner is rightly dismissed from service.

4. It is not a matter of dispute that earlier show cause notice was issued to the petitioner as to why the petitioner should not be removed from service. Subsequently, the petitioner is dismissed from service. The petitioner has given his representation to the effect to consider his case for removal instead of dismissal, vide representations filed in the year 2011 and 2012. Earlier also representations were given since 2007. It does not appear that any

decision has been taken on the said representations in that regard, although with the noting representations of the petitioner have been forwarded to the higher authorities. In the light of that, we pass the following order:-

- I. The authorities shall take decision on the representations of the petitioner filed from time to time with regard to the dismissal of his service, expeditiously, preferably within six months.
- II. Depending upon the decision taken on the representations the parties can prosecute further course of action.
- III. Writ petition is disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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