

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 523 OF 2013

SANDIP PRALHAD WAGH
VERSUS
THE STATE OF MAH AND ORS

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Advocate for Petitioners : Shirrurkar K T
AGP for Respondents: Mr.A.S.Shinde
Mr.Goyanka M.K. For R/3
Mr.Patil Pravin S. For R/2

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**CORAM : S. V. GANGAPURWALA &
V. L.ACHLIYA, JJ.**
DATED : 23rd FERUARY, 2015

P.C. :-

Mr. Shirurkar, the learned counsel for the petitioner, submits that the validation proceeding in respect of tribe claim of the petitioner is pending with the respondent committee. Inpite of the fact that the said proceedings are pending, the employer has issued show cause notice regarding termination of service. The learned counsel submits that the petitioner is ready to cooperate in expeditious disposal of the validation proceedings and his services be protected. Mr.Patil, learned counsel for respondent committee submits that since one year the matter is pending for hearing but it is the petitioner who is not cooperating in expeditious disposal of the proceeding.

2] Mr.Goyanka, learned counsel for the employer submits that as the validity certificate is not submitted and petitioner is appointed from the reserved category, show cause notice has been rightly issued.

3] To get the proceeding decided within stipulated period is not in the hands of litigant, ofcourse, litigant also has to cooperate in expeditious disposal of the proceeding. This Court has already granted stay to the said show cause notice vide order dated 18/1/2013. In light of that, we pass following order :

a] Respondent committee shall decide validation proceeding in respect of tribe claim of the petitioner expeditiously preferably within six months.

b] Petitioner shall appear before the committee **on 10/3/2015**. Petitioner shall cooperate in expeditious disposal of the said proceeding.

c] The impugned show cause notice is quashed and set aside. The employer shall not take any adverse action against the petitioner only on the ground that validation proceedings are pending. However, the employer is entitled to proceed in tune with the judgment delivered by the committee in the validation proceeding.

4] The Writ Petition is disposed of. No costs.

V.L.ACHLIYA, J.

S. V. GANGAPURWALA, J.

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