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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.5677/2015

Raosaheb Amrut Visave.

...Petitioner..

Versus

Medical Superintendent, ESI Scheme
Hospital, Nashik & another.

...Respondents...

.....

Shri D.B. Shinde, Advocate h/f Mahesh S. Deshmukh,
Advocate for petitioner.

Shri S.G. Sangle, AGP for respondent no.1.

Shri P.S. Patil, Advocate for respondent no.2.

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

DATE: 14.08.2015

ORDER :

1] Heard learned counsel for the parties. Rule. Rule is made returnable forthwith. With the consent of learned counsel for the parties, the petition is taken up for hearing and final disposal at this stage.

2] Learned counsel for the petitioner submits that the tribe claim of the petitioner is pending consideration with the respondent no.2 - committee, however, the

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respondent no.1 has directed the petitioner to submit the validity certificate within one month from the date of receipt of notice. The learned counsel submits that it is for the committee to decide the proceedings.

3] Learned counsel for the respondent no.2 – committee accepts that the proceedings in respect of the petitioner are pending with the committee and further states that on 20.8.2015, the matter is placed for hearing.

4] We have heard the learned AGP, who submits that as the petitioner is appointed from the reserved category, he is duty bound to submit the validity certificate or else his services are bound to be terminated.

5] We have considered the submissions of the parties. It is not in the hands of a litigant to get the proceedings decided within a stipulated period. It is for the respondent no.2 – committee to decide the proceedings. The petitioner can cooperate in deciding the proceedings expeditiously.

6] We, therefore, direct that the respondent no.2 – committee shall decide the validation proceedings in respect of the tribe claim of the petitioner expeditiously and preferably within a period of three

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months. The petitioner shall appear before the committee on 20.8.2015. The impugned notice issued to the petitioner is quashed and set aside. The respondent no.1 shall not take any adverse action against the petitioner only on the ground that the validation proceedings are pending. Of course, the respondent no.1 can take further course of action depending upon the judgment delivered by the respondent no.2 – committee in the validation proceedings. Rule is made absolute accordingly in above terms. No order as to costs.

(V.K. JADHAV, J.)

(S.V. GANGAPURWALA, J.)