

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.5327 OF 2014

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.N.C.Swami, advocate for the petitioner.
Mr.A.S.Shinde, Asstt. Govt. Pleader for the State.
Mr.P.S.Patil, advocate for Respondent No.2.

**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA, JJ.**

Date : 27.01.2015.

PER COURT :

1. Heard.
2. The validation proceedings in respect of the tribe claim of the petitioner is pending, however, the petitioner is reverted. The learned counsel for the petitioner states that the petitioner was appointed in the year 1979 as a tracer and was promoted as Assistant Draftsman on 10.3.2001. The petitioner retired on attaining age of superannuation on 30.6.2014. According to the learned counsel by order dated 23.6.2014, passed by Respondent No.4, the petitioner is reverted on the ground of non-submission of caste validity certificate. The validation proceedings are not yet decided. Mr.Patil, learned counsel for the Committee accepts that the validation proceedings in respect of the tribe claim of the

petitioner is pending with the Committee.

3. Mr.Shinde, learned Asstt. Govt. Pleader submits that the petitioner was promoted as a Draftsman on 26.4.2001 i.e. after the commencement of the Act. As such the order is rightly passed. The validation proceedings are still pending is not a disputed fact.

4. In light of the above, when the validation proceedings are pending, it was not appropriate for the Respondents to revert the petitioner. The Respondent ought to have stayed its hand off till the validation proceedings are decided, more particularly, when the petitioner was promoted 14 years back.

5. In light of the above, we pass the following order :

a) The Committee shall decide the validation proceedings in respect of the tribe claim of the petitioner expeditiously, preferably within one year. The petitioner shall cooperate in expeditious disposal of the said proceedings.

b) The impugned order dated 23.6.2014, reverting the petitioner is quashed and set aside, however, with a rider that in case the tribe claim of the petitioner is invalidated, the Respondent-employer is entitled to take further action in accordance with law.

c) The Writ Petition is disposed of. No costs.

(V . L . ACHLIYA, J .)

(S . V . GANGAPURWALA, J .)

Dt..27.01.2015.
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