

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8682 OF 2014

MANCHAK VYANKATRAO KSHIRSAGAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Venjane Tukaram M.
AGP for Respondents: Mr.K.G.Patil
Mr.Dambe Santosh S. For R/2 and 3
Mr.Maniyar Irfan D For R/4
...

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

P.C. :-

Mr.Venjane, learned counsel for petitioner submits that the petitioner is senior to the respondent no.4 and is working as Hand Pump Mechanic with Panchayat Samiti, Ambejogai. He being senior most in the said department is required to hand over the charge of the said hand pump department. However, respondent no.4 though is junior, is handed over the charge vide impugned order. The same is illegal. The petitioner is directed to work under his junior which is improper.

2] The learned counsel for respondent nos.2 and 3 submits that there are complaints against the petitioner, as such charge is handed over to the respondent no.4. The learned counsel does not dispute that the petitioner is senior.

3] The learned counsel for respondent no.4 submits that the order giving charge of the hand pump department to the petitioner is only

until further orders and there are complaints against the petitioner. Charge is given to the respondent no.4. Earlier also charge was given to the respondent no.4.

4] We have considered submissions canvassed by learned counsel for respective parties. It is not disputed by the parties that the petitioner is senior to the respondent no.4 and is working as hand pump mechanic. Respondent no.4 has been given charge of hand pump department in Panchayat Samiti, Ambejogai. Only the person who is senior would be incharge of the department unless except there are some circumstances prevailing by virtue of which the charge is required to be given to a person junior to such person. We had asked learned counsel for respondent nos.2 and 3 as to whether any departmental enquiry is pending as against petitioner. Learned counsel for respondent nos. 2 and 3 on instruction submits that no departmental enquiry is pending against petitioner. The impugned order is only until further orders. It is for the respondent no.2 to take decision about giving charge of the said hand pump department to a competent person. In light of the above, we pass following order :

a] Petitioner shall make representation with respondent no.3 seeking appointment for handing over charge of hand pump department which would be considered and decided by respondent no.3 within two months from the date of receipt of the said representation after hearing the concerned parties on its own merits.

5] Writ Petition is accordingly disposed of. No costs.

V.L.ACHLIYA, J.

S. V. GANGAPURWALA, J.

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