

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9046 OF 2014

Laxmikant Vaijinath Mane .. Petitioner

Versus

Maharashtra State Seeds Corporation
Ltd., Akola and others .. Respondents

Shri V. D. Salunke, Advocate for the Petitioner.
Smt. Anjali Dube (Bajpai), Advocate for Respondent Nos. 1 and 2.
Shri K. G. Patil, Addl.G.P. for the Respondent No. 3.

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

DATE : 16TH JULY, 2015.

PER COURT :

. Mr. Salunke, the learned counsel for the petitioner states that, the order of suspension issued to the petitioner is per-say and ex-facie illegal. The said order of suspension is malafide. According to the learned counsel, the documents on record would unequivocally go to establish that all the provisions of law were strictly adhered and no fault can be found with the petitioner at any point of time. The charges are vague. The learned counsel further submits that, earlier also the suspension order was issued. By virtue of orders passed by this Court the said suspension order was set aside. On the same grounds second time suspension order is issued. The learned counsel submits

that, considering good work and the experience of the petitioner, the petitioner was promoted as District Manager Grade-II. The learned counsel submits that, to avoid the promotional post, which the petitioner is entitled to, the false enquiry is initiated and the petitioner is suspended. The respondents are going against the Rules. The order of suspension is malafide. It is only issued with an intention to disallow the petitioner from his promotional rights. The allegations made against the petitioner are absolutely false. The seed plot of Allhad Balasaheb Wagh was inspected in joint inspection by District Seed Certification Officer, Agriculture Officer and Quality Control Director on 13.09.2012 and final inspection was done on 28.10.2012 and the report dated 13.09.2012 and 26.10.2012 was issued by the competent authorities. After certification by the competent authority in the field, the seed was supplied to the corporation. The seed certification officer has certified the seed and it was accepted in respect of genetic purity under the head result is passed i. e. selected. The same appears in the final report at Sr. No. 48. As per Seed Act after every certification test, the seed was released for distribution. The second allegation is also incorrect that of showing false implementation of seed plot of Rabbi Jawar Moti variety on the ground producer has no land. However, the producer has his own land. The said plot is taken on batai as there was water resource. The same was inspected by the Agriculture Officer and given positive report. For the second time Agriculture Officer has verified the plot in

January 2013. As per prescribed procedure the seed certification officer had send the seed to processing plant Dhoki. It was finally certified for release. The release orders are issued by the competent authority i. e. Agricultural Officer by order dated 03.08.2013. According to the learned counsel, the order of suspension being malafide, deserves to be set aside.

2. Mrs. Dube, the learned counsel for respondent Nos. 1 and 2 submits that, initial order of suspension was set aside as the person issuing the order at the relevant time did not have the authority. Now procedure has been properly followed. The order of suspension has been issued pending enquiry. The same is legal and proper. Because of the acts of the petitioner, the respondents have sustained huge loss. A criminal prosecution is also lodged against the petitioner.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. It is fact that, criminal prosecution is lodged against the petitioner. It is also a fact that, departmental enquiry is initiated against the petitioner and the charge sheet is issued in the departmental enquiry. The suspension is not by way of punishment, nor the same can be stigmatic. It is only pending enquiry.

5. It would be too premature at this stage to consider the contentions on the merits of the charges, as criminal prosecution is also pending, so also departmental enquiry. The same would be prejudicial to the parties.

6. The authority issuing suspension order has been delegated with the authority. Considering the aforesaid aspects of the matter, we are not inclined to interfere with the order of suspension. In the light of that, the writ petition is dismissed. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

bsb/July 15