

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1729 OF 2015

(Ratnamala d/o Gangadhar Harde @ Smt. Ratnamala w/o Rajkumar Nagpurkar vs. State of Maharashtra thr. its Secretary, Department of Rural Development & Ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
S.B. SHUKRE, JJ.
APRIL 29, 2015.**

Heard Shri Sudame, learned counsel for the petitioner, Shri Deshpande, learned AGP for respondent Nos. 1 & 2 and Shri Mukadam, learned counsel for respondent Nos. 3 to 7.

Against the order of punishment, appeal preferred by the petitioner to Respondent No. 2 – Divisional Commissioner, Nagpur, is pending.

Shri Sudame, learned counsel has attempted to demonstrate that the order of punishment dated 09.02.2015 in fact imposes a major penalty and, therefore, there ought to have been regular Departmental Enquiry.

During arguments, we find that the appeal preferred by the petitioner under Rules 13 & 14 of Maharashtra Zilla Parishad (Discipline & Appeal) Rules, 1964, is pending and Respondent No. 2 is considering it.

We, therefore, direct Respondent No. 2 to hear and decide that appeal at the earliest and in any

case within a period of next two months.

The parties to appear before Respondent No. 2 on 06.05.2015 and to abide by his further instructions in the matter.

Needless to mention that if the punishment order is set aside, Respondent No. 3 shall also reconsider placement/ posting order issued to the petitioner.

With these observations and keeping all rival contentions open, writ petition is disposed of. However, there shall be no order as to costs.

An ordinary copy of this order be furnished to the learned AGP.

JUDGE

JUDGE

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