

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 2423 OF 2015

Baban Vithobaji Hiwarkar

-vs-

Zilla Parishad, Wardha, thr.its Chief Executive Officer and others

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

Court's or Judge's Orders.

Mr. S. G. Joshi, counsel for the petitioner.

CORAM : SMT. VASANTI A. NAIK &
A. I. S. CHEEMA, JJ.

DATE : 16.10.2015.

If the petitioner is aggrieved by the order of the Chief Executive Officer, Zilla Parishad, Wardha, the petitioner could have challenged the same in an appeal under Rule 14 of the Maharashtra Zilla Parishad District Service, Discipline and Appeal Rules, 1964. The petitioner has not availed the remedy of appeal and has approached this Court by filing the writ petition merely because the other employee, who was also charged for similar misconduct, was exonerated by the Labour Court.

The learned counsel for the petitioner states that the petitioner would avail the remedy under Rule 14 of the Rules of 1964. It is stated that the petitioner would point out before the appellate authority that the petitioner was *bona fide* prosecuting the matter before a wrong forum and hence, the delay should be condoned.

On the statement made by the learned counsel for the petitioner that the petitioner would approach the appellate authority, we dispose of the writ petition with no order as to costs.

The points raised in the petition are kept open.

JUDGE

JUDGE