

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 2193 OF 2014

(Darasingh Ramji Tagre vs. Additional Commissioner, Tribal Development, Amravati & 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 &
A.P. BHANGALE, JJ.
JANUARY 15, 2015.**

Shri Deshpande, learned counsel for the petitioner, Mrs. Joshi, learned AGP for respondent No.1 and Shri Kalwaghe, learned counsel for respondent Nos. 3 & 4.

The grievance of the petitioner is, on 30.11.2013 no relieving letter was given to him and he was not informed about the place where he was supposed to report for Scout training. The case of the management is that he was given relieving letter and he was relieved to join the said place. The training was to continue from 01.12.2013 to 07.12.2013. The petitioner did not join training and did not report for work thereafter.

The management is making certain other allegations showing that the petitioner has indulged in the acts of misconduct and because of this misbehaviour, the management submitted a proposal dated 12.04.2012 seeking leave to suspend the petitioner pending departmental inquiry, to the office

of the Project Officer. The said officer in turn on 14.12.2012 submitted the said proposal to the office of Respondent No. 1 – Additional Commissioner. The communication dated 09.04.2014 lastly sent, which contains stand of the management in this respect, is read out to the Court.

The learned AGP submits that she is not aware whether any such leave of Respondent No.1 was sought for suspension of the petitioner.

The respondent – management fairly states that the petitioner is not yet terminated.

In this situation, interest of justice can be met with by directing the petitioner to report for duty on 21.01.2015 at 11.00 A.M. Respondent Nos. 3 & 4 shall permit the petitioner to join on that date. This joining shall be without prejudice to the rights and contentions of the parties in the matter. If any proposal forwarded by the management, seeking leave to suspend the petitioner pending departmental inquiry, is pending with Respondent No.1, Respondent No. 1 shall consider it in accordance with law within a period of six weeks from today.

With these directions and keeping all rival contentions open, present writ petition is disposed of. No order as to costs.

JUDGE

JUDGE