

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

WRIT PETITION NO. 3743/2015
 (RAJENDRA RAMAJI BORKAR **VERSUS** Z.P. CHANDRAPUR & OTHERS)

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

Court's or Judge's orders

Mrs. R.S. Sirpurkar, counsel for the petitioner.
 Ms D. Sapkal h/f Ms Neeta Jog, counsel for the R-2.
 Ms. T. Khan, A.G.P. for the R-3.

CORAM : SMT. VASANTI A. NAIK AND
N.W. SAMBRE, JJ.

DATE : SEPTEMBER 23, 2015.

By this petition, the petitioner impugns the order of the Disciplinary Authority dated 08.10.2009 as also the order of the Appellate Authority dated 21.06.2014 dismissing the appeal filed by the petitioner under Rule 13 of the Maharashtra Zilla Parishad District Services (Discipline and Appeal) Rules, 1964.

Inter alia, it is submitted on behalf of the petitioner that the order of the Appellate Authority is liable to be quashed and set aside as not a single reason has been recorded by the Appellate Authority while dismissing the appeal filed by the petitioner. It is submitted that at least some reasons ought to have been recorded by the Appellate Authority while dismissing the appeal. It is submitted that though a review application was filed, as several grounds raised by the petitioner were not considered, the order in review is also silent on the submissions made on behalf of the petitioner. It is stated that the Appellate Authority was duty bound to consider the submissions made on behalf of the petitioner while deciding the appeal and ought to have recorded some reasons for dismissing the same.

On hearing the learned counsel for the parties and on a perusal of the impugned orders, it appears that the Appellate Authority has not recorded any reason whatsoever while dismissing the appeal filed by the petitioner. Even the order in review dated 16.04.2015 does not refer to the submissions made on behalf of the petitioner and the reasons for rejecting the same. Since it is well settled that a Quasi Judicial Authority is duty bound to record at least some reasons even while dismissing an appeal, the impugned orders of the Appellate Authority are liable to be quashed and set aside.

Hence, for the reasons aforesaid, the writ petition is partly allowed. the impugned orders of the Appellate Authority dated 21.06.2014 and 16.04.2015 are hereby quashed and set aside. The Appellate Authority is directed to decide the appeal of the petitioner in accordance with law. The parties undertake to appear before the Additional Commissioner, Nagpur on 12.10.2015 so that issuance of notice to the parties could be dispensed with.

Order accordingly. No costs.

JUDGE

JUDGE

APTE