

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

WRIT PETITION NO. 4968 OF 2014

(Pundlikrao Champatrao Gofne vs. Zilla Parishad, Yavatmal thr. CEO & 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 &
P.N. DESHMUKH, JJ.
AUGUST 21, 2015.**

Heard Shri Chambhare, learned counsel for the petitioner and Shri Majithiya, learned counsel for the respondents.

Perused the petition as also reply.

Shri Chambhare, learned counsel submits that the challenge in present writ petition is about violation of provisions of Rule 27 of the Maharashtra Civil Services (Pension) Rules, 1982 (hereinafter referred to as the Rules). Shri Majithiya, learned counsel submits that the challenge is misconceived.

After hearing the respective counsel, we find that the charge sheet dated 24.12.2003 has been served on the petitioner on 31.12.2003. Thus, on 30.06.2010 i.e. the date on which he superannuated, inquiry was already pending and hence, provisions of Rule 27 of the Rules have no bearing here. The employer has pointed out that after superannuation, inquiry has been completed in accordance with the principles of natural justice and the Inquiry Officer has also submitted his report. A copy of that report could not be served upon the

petitioner because of pendency of present writ petition.

In this situation, we allow the respondents to serve a copy of said Inquiry report in accordance with law to the petitioner. After receipt of the inquiry report, the petitioner is at liberty to file a representation raising all defences available to him, except defence under Rule 27 of the Rules. After receipt of such representation, the Disciplinary Authority shall proceed further to complete the remaining part within next four months.

With these directions and keeping all rival contentions open, in relation to exercise undertaken in pursuance thereof, we dispose of the present writ petition. No order as to costs.

JUDGE

JUDGE

*GS.