

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

WRIT PETITION NO.5409 OF 2014.

Chandrashekhhar Vishwanath Ekghare ..vs.. Zilla Parishad Akola thr. its Chief Exe.Officer.

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

Court's or Judge's orders

Mr.N.C.Phadnis, Adv. for the petitioner.
Mr.M.V.Bute, Adv. for the respondent.

CORAM : B.P.DHARMADHIKARI AND
P.N.DESHMUKH, JJ.
DATED : AUGUST 28, 2015.

Heard Mr.Phadnis, learned counsel for the petitioner and Mr.Bute, learned counsel for the respondent.

Advocate Mr.Bute points out that the petitioner had been served only with show cause notice and he is supposed to file reply thereto.

Advocate Phadnis submits that filing of reply to the show cause notice will be empty formality, inasmuch as conclusion that the petitioner misled his employer while joining employment has already been reached in paragraph 1 thereof.

With the assistance of respective counsel, we have perused the papers. We find that Deputy Chief Executive Officer of Zilla Parishad Akola has on 25th of August, 2008 sent a communication to Chief Accounts and Finance Officer that petitioner has joined the employment in 1984 as an employee who worked during strike period and as a nominee of a Freedom fighter.

As against this, in paragraph no.1 of the notice issued to the petitioner on 16th of September, 2014 it is mentioned that petitioner produced a caste certificate while joining employment and thereafter

has submitted inconsistent document. Thus, this assertion in paragraph no.1 of show cause notice which is impugned before this Court and this communication dated 25th of August, 2008 are mutually inconsistent.

In this situation, we find that interest of justice can be met with by directing petitioner to submit proper reply to the communication dated 25th of August, 2008 within four weeks. If such reply is filed by petitioner, respondent/employer shall consider it in accordance with law and if necessary an opportunity of hearing should be extended to the petitioner. If ultimate order goes against the petitioner, same shall not be given effect for the period of two weeks after communicating it to the petitioner.

With these directions and keeping all contentions open, we dispose of the petition. No costs.

JUDGE

JUDGE

Chute.