

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

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

Court's or Judge's orders

60 WRIT PETITION NO.493 OF 2016

RAVINDRA VASANT SAPKALE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner: Mr.Patil Vijay B.
AGP for Respondents/State: Mrs.M.A.
Deshpande.

...

CORAM: S.S.SHINDE & SANGITRAO S. PATIL, JJ.

Dated: JUNE 13, 2016

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Heard the learned Counsel appearing for the petitioner and the learned AGP appearing for the respondents – State. The learned AGP submits that the petitioner has directly approached the High Court by filing writ petition instead of availing the remedy before the Maharashtra Administrative Tribunal by filing Original Application. She further submits that even on merits the petitioner has no case and therefore, the petition may be rejected.

2 We have given careful consideration to the submissions of the learned Counsel for the petitioner and the learned AGP. It is true that the remedy is available before the the Maharashtra Administrative Tribunal. However, since this petition is pending for a considerable time, the petitioner would be satisfied in case, the impugned order is set aside and fresh order is passed by the respondents after giving notice to the petitioner and after hearing the petitioner on merits.

3 In that view of the matter, without entering into the merits of the controversy involved in the petition, the impugned communication / order dated 9th November, 2015 passed by respondent No.5 stands quashed and set aside. We direct respondents No.2 and 3 to issue notice to the petitioner for giving him a reasonable opportunity of hearing and also to file documents, if any, and then to pass an appropriate order. The entire exercise shall be done, as expeditiously as possible, however, within six months from today. Till fresh order is passed by the respondents, the petitioner will continue to receive the amount fixed by the impugned order. All the questions on

merits raised in this petition are left open, to be agitated before the respondents. Needless to observe that the amount already deducted will be subject to the fresh orders, which will be passed by the respondents.

4 The petition is partly allowed on above terms and stands disposed of.

Parties to act upon authenticated copy of this order.

(SANGITRAO S.PATIL, J) (S.S. SHINDE, J)