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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.783/2015

WITH

WRIT PETITION NO.784/2015

Sanjay Haribhau Waghmare.

..Petitioner..

Versus

The State of Maharashtra & others.

...Respondents...

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WRIT PETITION NO.784/2015

Bhausahab Mahadeo Ransing.

..Petitioner..

Versus

The State of Maharashtra & others.

...Respondents...

=====

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Shri Kishor S. Patil, Advocate h/f Shri
N.B.Suryawanshi, advocate for petitioners.

Shri S.Y. Mahajan, AGP for respondent nos.1 & 2.

Shri S.T.Shelke advocate for respondent no.3.

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**CORAM: S.V. GANGAPURWALA &
K.L. WADANE, JJ.**

DATE: 26.09.2016

ORDER :

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1] We have heard Shri Kishor S. Patil, learned counsel for the petitioners, learned AGP for the State and Shri S.T. Shelke, learned counsel for the respondent no.3.

2] The order passed in review by the appellate authority thereby reversing the order in appeal itself is assailed in these petitions.

3] During the course of hearing, provisions of Section 21 of the Maharashtra Zilla Parishad District Services (Discipline & Appeal) Rules, 1964, are pointed out wherein the remedy of revision is made available. The order passed in appeal would stand merged in the order passed in review. The order passed in appeal is revisable under Rule 15 of the said Rules.

4] In revision that would be filed, the revisional authority certainly would be entitled to consider as to whether the appellate authority has the powers of review and the grounds for review.

5] In the light of that, the writ petitions are disposed of with liberty to the petitioners to approach the State Government by filing revision. All contentions of respective parties are kept open. If revision is filed within a period of two weeks from today, the

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question of limitation would not arise.

6] The interim order earlier passed by this Court in these petitions is continued for a period of four weeks from today so as to enable the petitioners to file revision and appropriate application in the revision. Needless to state that on lapse of four weeks, the interim protection granted by this Court would come to an end. In case the revision is filed, the revisional authority shall endeavour to dispose of the same expeditiously and preferably within a period of four months from the date of appearance of the parties.

(K.L. WADANE, J.)

(S.V. GANGAPURWALA, J.)