

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

37 WRIT PETITION NO. 2485 OF 2016

THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
ASHOK TOTARAM TAYADE

...

AGP for Petitioners: Mr.S.B. Yawalkar.
Advocate for Respondent: Mr.Suryawanshi
Nitin B

...

CORAM:S.S.SHINDE & SANGITRAO S. PATIL, JJ.
Dated: APRIL 13, 2016

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Heard learned AGP appearing for the petitioners and learned Counsel for the respondent – original applicant. With their able assistance, perused the grounds taken in the petition, annexures thereto and the findings recorded by the Maharashtra Administrative Tribunal.

2 Upon perusal of the findings recorded by the the Maharashtra Administrative Tribunal and in particular, from paragraph 10 onwards, we are of the opinion that those findings are in consonance with the

documents / evidence which was placed on record. It is not necessary for us to elaborate any further. Suffice it to say that the Maharashtra Administrative Tribunal, taking into consideration the inquiry report, observed that the disciplinary authority has interfered in the findings recorded by the Inquiry Officer with prejudiced mind and by using his own knowledge and letter written by the M.L.A. It has also been observed in the judgment that the appellate authority, though agreed with the findings recorded by the Inquiry Officer and competent authority, still modified the order without assigning any reasons.

3 In that view of the matter, in the peculiar facts and circumstances of this case, when the respondent – original applicant will be retiring on 30th April, 2016 on attaining age of superannuation, we are not inclined to interfere with the impugned judgment and order.

Hence the petition stands rejected.

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