

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Writ Petition No. 3987 of 2013

District : Jalgaon

Sanjay s/o. Bhagwan Tayade,
Age : 50 years,
Occupation : Service,
R/o. Plot No.28, Ompark,
Near Gajanan Maharaj Mandir,
Bhusawal, Taluka : Bhusawal,
District : Jalgaon.

.. Petitioner.

versus

1. The State of Maharashtra,
Through the Principal Secretary,
Water Supply and Sanitation
Department,
Mantralaya, Mumbai - 32.
 2. The Divisional Commissioner (Revenue),
Nashik Division, Nashik.
 3. The Zilla Parishad,
Jalgaon, District : Jalgaon,
Through its Chief Executive Officer.
- .. Respondents.

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Mr. Vijay Y. Patil, Advocate, for the petitioner.

*Mr. V.H. Dighe, Asst. Government Pleader, for
respondent nos.1 and 2.*

Mr. Vijay Sharma, Advocate, for respondent no.3.

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**CORAM : S.V. GANGAPURWALA &
A.M. BADAR, JJ.**

DATE : 17TH FEBRUARY 2016

COURT'S ORDER *(Per S.V. Gangapurwala, J.) :*

1. Heard the learned Counsel for respective parties.
2. Rule. Rule made returnable forthwith. By consent of the learned Counsel for the parties, heard finally.
3. It is submitted that similar impugned order was subject matter of Writ Petition No. 3565 of 2013 and Writ Petition No. 3570 of 2013. This Court vide its judgment and order dated 1st August 2013, allowed the said Writ Petitions by setting aside the impugned notices with liberty to the Chief Executive Officer of the Zilla Parishad to proceed to take action by observing the directions recorded therein.
4. Mr. Sharma, the learned Counsel for respondent no.3 - Zilla Parishad, submits that pursuant to the said orders of this Court, the Chief Executive Officer of the Zilla Parishad has issued fresh notices and has initiated fresh proceedings.
5. In the light of the above, we pass the following order :-

For the reasons recorded in Writ Petition No. 3565 of 2013 and Writ Petition No. 3570 of 2013, the present petition is also allowed with the following directions :-

The impugned notices dated 22-3-2013 issued to the petitioner by respondent no.3 i.e. Chief Executive Officer of the Zilla Parishad, are quashed and set aside. The Chief Executive Officer is directed to issue a detailed notice specifying allegations / charges to the petitioner and call upon the petitioner to explain the allegations / charge recorded in the notice. The Chief Executive Officer shall, after extending an opportunity of hearing to the petitioner, proceed to take appropriate steps in the matter and pass appropriate order. It would be open for the petitioner to raise all the contentions including impermissibility on the part of Chief Executive Officer to place sole reliance on the preliminary report for proposed action. The Chief Executive Officer shall complete the exercise expeditiously and may take appropriate steps and may pass suitable order / direction.

6. Rule is made absolute in the above terms. No costs.

(A.M. BADAR)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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