

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

WRIT PETITION NO. 8381 OF 2014

The Chief Executive Officer,
The Zilla Parishad, Latur.

...PETITIONER

-VERSUS-

1 Faiz Ahemad Basir Ahemad,
Age : 59 years,
Occupation : Retired Sectional Engineer,
Works, Zilla Parishad, Latur.
Sub Division, Nilanga,
District Latur.
At present Maulana Abdul
Kalam Azad Chowk, Ausa,
District Latur.

2 The Additional Divisional Commissioner,
Division, Aurangabad.

...RESPONDENTS

...
Advocate for Petitioner : Shri Tandale PR.
Advocate for Respondent No.1 : Shri Ajinkya Kale h/f Talekar &
Associates.
AGP for Respondent 2 : Shri N.T.Bhagat.
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 14th December, 2016

Oral Judgment :

1 Leave to add the Additional Divisional Commissioner,
Aurangabad as Respondent No.2. Addition be carried out forthwith. The

learned AGP waives service for the added Respondent No.2.

2 Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

3 I had heard the learned Advocates for the respective sides at length on 13.12.2016. With their assistance, I have gone through the impugned order dated 05.04.2014 which has been passed on the Appeal No.79/2014 filed by Respondent No.1/ Employee.

4 I noticed that eight different orders have been challenged by Respondent No.1/ Employee in a single appeal. None of the impugned orders in the said appeal can be said to be interconnected to each other. I further found that Respondent No.2/ Additional Divisional Commissioner, while passing the order on the eight causes of action, has failed to consider each of them and has delivered the impugned order which does not bear proper reasons. In my view, the impugned order on account of perversity and deficiencies, is unsustainable.

5 Respondent No.1/ Employee has, therefore, stated that he would challenge each of those eight orders through separate appeals alongwith delay condonation applications. The learned Advocate for

Respondent No.1 had sought time to tender an affidavit.

6 An affidavit has been tendered today at page 79 of the petition paper book. Respondent No.1/ Employee expressed his desire to challenge each of those eight orders by preferring an appeal under Rule 13 of the Maharashtra Zilla Parishad District Services (Discipline and Appeal) Rules, 1964.

7 In the light of the above, this Writ Petition is partly allowed. The impugned order dated 21.06.2014 passed by Respondent No.2 is quashed and set aside. Respondent No.1/ Employee is at liberty to challenge each of the 08 orders as had been put forth in his appeal dated 05.04.2014 bearing No.79/2014. He shall, therefore, be permitted to file an individual appeal against each of the said orders. He would also be at liberty to file an application for condonation of delay, if any and the time spent by Respondent No.1/ Employee from 05.04.2014 in this litigation till the passing of this order, shall be a good ground for condonation of delay.

8 Considering the fact that Respondent No.1/ Employee has already retired, in the event, he prefers his proceedings in accordance with the liberty granted as above within a period of FOUR WEEKS from today,

Respondent No.2 shall endeavour to decide the said proceedings as expeditiously as possible and preferably within a period of NINETY (90) DAYS from the date of first hearing. In the event, there is no legal impediment, the appropriate authorities may take a decision as regards his retiral and pensionary benefits. In the event, the said benefits are subject to the result of any of the causes of action involved, the same shall be subject to the result of the appeals filed by Respondent No.1.

9 Rule is made partly absolute in the above terms.

kps

(RAVINDRA V. GHUGE, J.)