

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9631 OF 2016
(The Divisional Controller Vs. Khema Sonaji Dagale)

Mr.B.S.Deshmukh, Advocate for the petitioner.
Mr.P.V.Barde, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 03/10/2016

PER COURT :

1. This matter was heard on 27/09/2016 extensively and again on 01/10/2016.

2. The suggestion of the respondent, who was present in the Court, was conveyed by Mr.Barde to this Court as follows :-

- [a] The respondent is willing to be posted to Sangamner instead of at Shrigonda.
- [b] Pending ULP complaint could be disposed of if the proposal of the respondent is accepted by the petitioner.
- [c] He would report for duties within 24 hours at Sangamner.
- [d] The period from the date of being relieved, which is 25/05/2016 till the date of joining at Sangamner, may be adjusted as against available leave.

3. Mr.Deshmukh, learned Advocate for the Corporation submits on instructions that the respondent can join at Sangamner forthwith. His ULP complaint can be disposed of. He would remain at Sangamner till the

departmental enquiry is concluded and which is presently stayed by the order dated 15/12/2015 passed by the learned Division Bench of this Court in WP No.10934/2015. After the enquiry is concluded and in the event the petitioner is then sent back to Shrigonda, that would amount to a fresh cause of action.

4. Mr.Barde submits on instructions that the respondent is agreeable and would report for duties tomorrow.

5. In the light of the above, this petition is disposed of with the following directions

- [a] The respondent shall join duties on 04/10/2016 at Sangamner.
- [b] Complaint (ULP) no.55/2016, pending before the Industrial Court, Ahmednagar stands disposed off.
- [c] The respondent would continue at Sangamner till the departmental enquiry is concluded and further orders are passed.
- [d] The period from 25/05/2016 till 03/10/2016 shall be adjusted against the leave available and shall not be considered as a break in service.
- [e] Any order of any nature whatsoever, passed by the petitioner/Corporation pursuant to the conclusion of the enquiry shall amount to a fresh cause of action and the respondent would be at liberty to seek redressal of his grievance as per available legal remedies.

(RAVINDRA V. GHUGE, J.)