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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10119/2015

Rajendra Shikharchand Patodi.

..Petitioner..

Versus

The State of Maharashtra & others.

...Respondents...

.....

Shri U.R.Awate, Advocate for the Petitioner.

Ms.R.P.Gaur, AGP for Respondent No.1.

Shri Dilip Patil Bankar, Advocate for respondent nos.2 & 4.

Respondent No.3 Served.

.....

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

DATE: 15.11.2016

ORDER :

1] Mr.Awate, the learned counsel for the petitioner states that during the pendency of this writ petition, more precisely on 22.9.2016, the respondents have revoked the order of suspension passed against the petitioner. However, without any basis, one increment has been withheld. The procedure as required is not followed.

2] Mr.Bankar Patil, the learned counsel for the respondents states that the order of suspension has been withdrawn during the pendency of this petition.

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3] This Court on 25.1.2016 had recorded that the learned counsel for the petitioner on instruction of the petitioner gives up the challenge with regard to the imposition of penalty by way of stoppage of one increment and that the petitioner would prefer an appeal against the said order and the present petition was restricted to the action of suspending the petitioner.

4] As the order of suspension is revoked, the same does not survive. Needless to state, the petitioner is at liberty to prefer an appeal against the penalty imposed against the petitioner i.e. withholding of one increment before the forum as permissible in law. While preferring the appeal, the time lost in prosecuting the present petition shall be considered. All contentions of the parties in that regard are kept open. Needless to state, even the enquiry which is commenced against the petitioner shall be concluded in accordance with law expeditiously considering that the charge-sheet is also given. The petition is disposed of accordingly. No costs.

(K.L. WADANE, J.)

(S.V. GANGAPURWALA, J.)