

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION ST.NO.32624 OF 2013
IN
WRIT PETITIOIN NO.417 OF 2013

Ramnath S/o Bhojram Hemke

Applicant

Versus

The State of Maharashtra and others

Respondents

Mr.Ajay Deshpande h/f Dr. S.K. Patil advocate for the applicant
Mr.S.S. Tope advocate for respondent No.4 and 6.

CORAM : R.M. BORDE &
S.P. DESHMUKH, JJ

(Date : 22nd July, 2016.)

PER COURT :-

1 In Writ Petition No.417 of 2013, the review applicant raised a challenge to the order issued by the Chief Executive Officer, Zilha Parishad, Jalna on 31.8.2012. According to the applicant, he should not have been considered to be an employee of Zilha Parishad, the Chief Executive Officer did not have competence to issue order of suspension. The objection raised by the petitioner has been turned down in view of the communication placed on record by the Additional Secretary of Government of Maharashtra on 6.4.2013, issuing clarification in respect of his earlier

communication dated 29.1.2013. The writ petition came to be rejected with liberty to the Chief Executive Officer to complete the departmental enquiry proceedings against the petitioner.

2 It is informed that the petitioner has retired on attaining age of superannuation on 30.4.2015. In the meanwhile, the departmental enquiry proceedings continued and the final order has been issued by the Chief Executive Officer, Zilha Parishad, Jalna on 17.4.2015 directing imposition of minor penalties.

3 In view of this development, it would be open for the review applicant to raise challenge to the order passed by the Chief Executive Officer, Zilha Parishad, Jalna on 17.4.2015, directing imposition of minor penalty. It would also be open for the applicant to raise an issue in respect of competence of the Chief Executive Officer, Zillha Parishad to pass an order of suspension and initiation of departmental enquiry proceedings against him.

4 It is clarified that the order passed by this Court in the writ petition and the order passed by the Maharashtra Administrative Tribunal shall not be construed to be an impediment for consideration of such challenge, which may be raised by the

applicant in an appropriate proceedings.

5 In view of above, no further direction need be issued in the review application. The Review application stands disposed of.

(S.P. DESHMUKH, J)

(R.M.BORDE, J)

vbd