

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders

WRIT PETITION NO. 12467 OF 2015

VIMAL SANTOBA DAGEWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the Petitioner : Mr. V.P. Kadam
AGP for the Respondent/State: Mr. S.D.Kaldate
Advocate for Respondent No.3: Mr. S.G. Kawade
Advocate for Respondent no.4 : Mr.R.V. Gore

...
CORAM: S.S.SHINDE & SANGITRAO S. PATIL, JJ.
Dated: JULY 1, 2016

...

Heard.

2. The learned counsel appearing for the petitioner submits that the petitioner has filed the representations dated 29th December, 2014 and 23rd March, 2014 to Respondent No.2 raising grievance that Respondent No.4 is wrongly promoted and he is not given promotion as per the relevant procedure/rules and the said

representations are yet pending.

3. The learned counsel appearing for Respondent no.4 vehemently opposes the prayer of the petitioner, and submits that on the relevant date, when Respondent No.4 was promoted, the petitioner did not possess requisite qualification.

4. In reply to the above contention, the learned counsel appearing for the petitioner submits that even Respondent No.4 was also not eligible for promotion.

5. Upon hearing the submissions advanced by the learned counsel appearing for the parties, it appears that the Petition raises disputed questions of facts, and therefore, it is appropriate to relegate the parties to respondent No.2. In that view of the matter, we pass the following order :-

ORDER

(i) Respondent No.2 shall hear the petitioner, Respondent NO.4 and the representative of Respondent No.3 and take appropriate decision on the representations filed by the petitioner.

Needless to observe that the petitioner and Respondent No.4 will be entitled to place on record the documents in support of their contentions/case.

(ii) The parties shall appear before the Chief Executive Officer on 30th July, 2016 at 11 a.m. with the relevant documents, on which the parties wish to place reliance. If it is possible for Respondent No.2 to hear the petitioner, Respondent No.4 and also representative of Respondent no.3 and decide the said representations on the same day, he can do so, or may fix another date, so as to hear the parties and consider the documents placed on record by the parties. However, the entire exercise to be completed including taking decision, as expeditiously as possible, and preferably within 12 weeks from today and communicate the said decision to the petitioner and Respondent Nos. 3 and 4.

6. The petition stands disposed of accordingly.

7. The parties shall act upon authenticated copy of this order.

(SANGITRAO S.PATIL, J) (S.S. SHINDE, J)

sga/