

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1341 OF 2016

[Choplal s/o Shrawan Lilhare .vs. State of Maharashtra and others]

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

Court's or Judge's orders

None for the petitioner,
Shri J.Y. Ghurde, AGP for respondent nos.1 and 2,
Shri I.N. Choudhari, counsel for respondent nos.3 and 4.

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CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : JULY 27, 2016.

None for the petitioner.

Shri Choudhari, the learned counsel for the respondent nos.3 and 4, states that the writ petition would not be maintainable, as the Additional Commissioner, Tribal Development, Nagpur did not have jurisdiction to decide the appeal filed by the petitioner and direct the reinstatement of the petitioner in service with back wages. It is stated that the salary, till the year 1997, cannot be directed to be paid by a writ petition filed in the year 2016. It is stated that in any case since the petitioner is merely seeking the implementation of the order of the Commissioner which non-est as the Commissioner did not have jurisdiction to decide the appeal filed by the petitioner, the writ petition is liable to be dismissed. It is stated that a similar view was expressed by this court in the order dated 2.3.2016 in Writ Petition No.3475/2015.

On hearing the learned counsel for the respondent nos.3 and 4, we find that the writ petition would not be maintainable. A similar order passed by the Additional Commissioner was challenged by the management in this court in Writ Petition No.3668/2014 and the order of the Commissioner was set aside

by this court by the judgment dated 27.3.2015 on the ground that the Additional Commissioner did not have jurisdiction to entertain and decide the appeal.

Hence, for the reasons recorded hereinabove and for the reasons recorded in the order, dated 2.3.2016 in Writ Petition No.3475/2015, we dispose of the writ petition, with no order as to costs. It would, however, be open for the petitioner to avail the appropriate remedy in accordance with law. The points raised in the petition are kept open.

JUDGE

JUDGE

Gulande, PA

C E R T I F I C A T E

“I certify that this order uploaded is a true and correct copy of original signed order.”

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