

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.5803/2015

Ashok Shankarrao Madawar ..vs.. Municipal Council, Desaiganj & ors.

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

Court's or Judge's orders

Mr.S.Y.Deopujari, Adv. for the petitioner.
Mrs.Taywade, AGP for respondent no.3.
Mr.M.P.Khanjanchi, Adv. for resp.1 and 2.

**CORAM : B.P.DHARMADHIKARI AND
P.N.DESHMUKH, JJ.**

DATE : MARCH, 10, 2016.

1. Heard for some time. We find that the petitioner has got remedy to approach Regional Director of Municipal Administration at Nagpur under Section 79(6) of the Maharashtra Municipal Councils Nagar Panchayats and Industrial Townships Act, 1965.

2. This Court has stayed impugned order of punishment, on 24th of November, 2015. Petitioner has worked as a Clerk in Tax Department and has been reverted as a Peon. In this situation, though Shri Khajanchi is opposing grant or continuation of interim order, we continue the interim order for a period of eight weeks from today. The petitioner shall file his appeal before the competent Authority, according to law, within a period of four weeks. The competent Authority shall consider a question of further continuation of interim order after granting

an opportunity of hearing to the Municipal Council. The said consideration shall not be influenced by grant of interim order or by its continuation by this Court.

3. The Writ Petition has been filed on 21st of September, 2015 and impugned order is dated 5th of September, 2015. Hence, petition has been preferred within period of limitation prescribed for filing of appeal, insofar as filing of appeal under Section 79(6) of the Act is concerned. The Appellate Authority, therefore, shall not go into the question of limitation and the appeal shall be decided on merits.

With this direction and keeping all rival contentions open, we dispose of the petition.

No costs.

JUDGE

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