

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.883 of 2016

ORDER:

Heard.

Both the learned counsel for the petitioner and the learned Advocate General submits that the issue raised in this writ petition is squarely covered by the judgment of this Court in W.P.No.39915 of 2015, dated 10.12.2015.

In view of the same, following the aforesaid judgment, this Writ Petition is also partly allowed by observing as follows:-

“Learned Advocate General appearing for the respondents fairly states that since one of the contentions raised in the writ petition relates to violation of principles of natural justice, respondents are willing to give notice to the petitioner on the conclusions reached against him in the vigilance report and give him an opportunity to submit its reply/explanation/objections and then the 5th respondent will hear the petitioner and then pass appropriate order.

In view of the said consensus, the impugned order of respondent No.5, being violative of principles of natural justice, is set aside and the entire issue stands remitted to the 5th respondent, who shall give notice to the petitioner with regard to the conclusions reached against him in the report.

Since the petitioner already has a copy of the vigilance report, the petitioner shall file its response to the said notice within four weeks from the date of receipt of the notice and thereafter the 5th respondent shall fix a date for hearing, intimate the petitioner, hear him, and take appropriate decision in the matter, in accordance with law. Impugned proceedings of the 5th respondent are accordingly set aside and the matter is remitted to the 5th respondent to comply with the directions as mentioned above.”

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. No costs.

VILAS V.AFZULPURKAR, J

Date: 25-01-2016

Prv

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Prv