

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5616 OF 2005

Uttam Vishwanath Kasar

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri N. V. Gaware, Advocate h/f Shri D. R. Jayabhar, Advocate
for the Petitioner.

Mrs. A. V. Gondhalekar, Addl.G.P. for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 10TH AUGUST, 2017.

ORDER :

. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for respondent Nos. 1 and 2. The petitioner assails the order of suspension issued to him.

2. The learned counsel for the petitioner submits that, on the basis of impugned suspension order, which was stayed by this Court, no departmental enquiry was ever conducted.

3. It appears that, the procedure while suspending was not followed.

4. Be that as it may, on 22nd November, 2005, this Court had stayed the impugned suspension order and directed the respondents to reinstate the petitioner in service and pay him admissible pay and allowances. It is also submitted that, the petitioner is now at the verge of superannuation and would retire within a year.

5. No departmental enquiry was ever initiated against the petitioner as contended by the petitioner and also considering the fact that, procedure was not followed and further said suspension order is stayed in the year 2005 itself, we allow the petition and make rule absolute in terms of interim orders. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Aug. 17