

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

**WRIT PETITION NO. 5645 OF 2005
WITH
CIVIL APPLICATION NO. 3408 OF 2010**

Arun Rangnathrao Dhokte .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri M. S. Choudhari, Advocates for the Petitioner.

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

Shri D. R. Kale, Advocate for Respondent Nos. 3 and 4.

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

DATE : 10TH AUGUST, 2017.

ORDER :

. The petitioner assails the order of suspension. The order of suspension is stayed by this Court under order dated 21st September, 2005.

2. It appears that, subsequently, departmental enquiry has been conducted and the petitioner has been held guilty. The petitioner has filed Civil Application No. 3408 of 2010. In the said civil application, the petitioner has sought to assail the order passed by the respondent No. 3 dated 02.06.2009 holding

the petitioner guilty and imposing punishment upon the petitioner.

2. Mr. Kale, the learned counsel for respondent Nos. 3 and 4 submits that, the petitioner has a remedy of appeal before the Commissioner against the order imposing penalty upon him. As far as order of suspension is concerned, this Court had stayed order of suspension, subsequently, the departmental enquiry was also conducted. The petitioner was reinstated pursuant to the order of stay to the suspension.

3. In the light of that, we dispose of the writ petition in terms of interim orders holding that the order of suspension shall not be given effect.

4. As far as the order assailed in Civil Application No. 3408 of 2010 is concerned, that is order imposing penalty upon the petitioner, the petitioner has remedy of appeal before the Commissioner/Authority as laid down under the Maharashtra Zilla Parishad District Services (Discipline and Appeal) Rules.

5. The petitioner is at liberty to assail the order dated 02.06.2009 imposing penalty upon the petitioner before the appropriate authority in accordance with provisions of the Maharashtra Zilla Parishad District Services (Discipline and

Appeal) Rules. While considering the aspect of delay, the Commissioner shall consider pendency of Civil Application No. 3408 of 2010 before this Court.

6. The writ petition and civil application accordingly stand disposed of. Rule disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Aug. 17