

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (STAMP) NO. 6695 OF 2016

Vijay Shridhar Parab ..Petitioner

versus

Arjun Ladu Parab & Ors. ..Respondents

Mr. Milind Parab i/b. Milind Parab & Associates for Petitioner.

Mr. S. S. Redekar for Respondent Nos. 1 and 2.

Ms K. R. Kulkarni for Respondent Nos. 3 and 4.

CORAM: M.S. SONAK, J.

DATE : 21 NOVEMBER 2017

P. C. :

1] Heard Mr. Milind Parab for the petitioner, Mr. Redekar for respondent nos. 1 and 2 and Ms Kulkarni – AGP for respondent nos. 3 and 4.

2] The challenge in this petition is to the order dated 6th February 2016 made by the Additional Commissioner, Konkan Division, dismissing the Petitioner's Appeal against termination of his appointment as Police Patil under the provisions of the Maharashtra Gram Police Act, 1967. The learned counsel for the Respondents point out that in terms of Rule 12 of Maharashtra Gram Police (Appointment, Allowances and Service Conditions) Order 1968, a further Appeal is provided to the State Government against the decision of the Additional Commissioner.

3] Upon perusal of the 1968 Order, it does appear that as against the Order of the Additional Commissioner, a further Appeal is provided to the State Government.

4] Accordingly, there is no necessity to entertain the present petition, since, the petitioner has an alternate and efficacious remedy available in the matter.

5] The learned counsel for the Petitioner states that the Appeal to the State Government would be instituted within a period of four weeks from today. If such Appeal is indeed instituted within a period of four weeks from today, the Appellate Authority to decide and dispose of such Appeal on its merits without adverting to the issue of limitation. In fact, learned counsel for the Respondents agree that they will not raise the issue of limitation in case, Appeal is actually instituted within four weeks from today.

6] The Appellate Authority is requested to dispose of the Appeal as expeditiously as possible and in any case within a period of six months from the date of its institution.

7] It is made clear that there shall be no interim relief in this matter. However, if in the meanwhile, any other appointment is made to the post of Police Patil, that will be subject to the result of the Petitioner's Appeal. In any appointment letter issued to the new incumbent, it should be clarified that the appointment will be subject to the result of the Petitioner's Appeal.

8] The Petition is disposed of in the aforesaid terms. There shall be no order as to costs.

9] All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)