

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 2135 OF 2016

The Agricultural Produce Market
Committee, Solapur And Ors.

...Petitioners

Versus

Mr. Shrishail Mahadeo Birajdar
And Ors.

...Respondents

....

Mr.A.B. Tajane, Advocate for the Petitioners.

Mr.Abhijit Kulkarni, Advocate for Respondent No.1.

Mr.Sachin Kankal, AGP, for Respondents No.2 to 4.

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CORAM : R. G. KETKAR, J.

DATE : 04th APRIL, 2017

P.C.

1. Heard Mr.A.B. Tajane, learned Counsel for the petitioners, Mr.Abhijit Kulkarni, learned counsel for respondent No.1 and Mr.Sachin Kankal, learned A.G.P. for respondents No.2 to 4, at length. Leave to amend so as to challenge the order dated 27.12.2011 passed by the Director of Marketing, Maharashtra State, Pune is granted. Amendment shall be carried out forthwith.

2. By this Petition under Article 227 of the Constitution of India, the petitioners have challenged the order dated 27.12.2011

passed by respondent No.2, the Director of Marking, Maharashtra State, Pune in Appeal No.10/2011. By that order, respondent No.2 allowed the appeal preferred by the first respondent and quashed and set aside the order dated 1.3.2011 passed by the Chairman of the petitioner No.1 placing respondent No.1 under suspension till the enquiry or 25 days which ever is earlier.

3. Mr. Tajane, upon taking instructions from Mr. Vinod Patil, working as Senior Clerk with petitioner No.1, states that though enquiry was proposed against the first respondent in fact no enquiry was held against him.

4. In view thereof as also having regard to the fact that the suspension order was set aside by respondent No.2, no case is made out for invocation of powers under Article 227 of the Constitution of India. Hence, petition fails and the same is dismissed.

(R. G. KETKAR, J.)