

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6917 OF 2016

The President,
Sangli Agriculture Produce Market committee
Sangli Vasantdada Market Yard Sangli,
Tal. Miraj, Dist. Sangli Petitioner

vs

1 Shri Dattatray Raghunath Menkudale
2 Divisional Joint Registrar,
Cooperative Society, Kolhapur Division
3 Hon'ble Minister, Co-operative,
Marketing and Textile Respondents

Mr. U. R. Mankapure for the petitioner.
Ms. Manjiri S. Parasnis for respondent No.1.
Mr. C.P. Yadav, AGP for respondent Nos. 2 and 3.

**CORAM: B. R. GAVAI &
RIYAZ I. CHAGLA, JJ.**

DATE : June 23, 2017

P.C. :

1 Rule. Rule is made returnable forthwith. Heard finally by
consent of parties.

2 The perusal of impugned order dated 23 February 2016,
passed by the Hon'ble Minister in Revision under Section 43 of the

Maharashtra Agricultural Produce Marketing (Development & Regulation) Act, 1963, would reveal that the Hon'ble Minister has basically found that, there are procedural lapses by the Inquiry Committee against Respondent No.1.

3 Hon'ble Minister has found that the Inquiry Committee was constituted within a period of eight days after the charge-sheet was served upon the Petitioner. It has further been found that the documents on which the Petitioner relied were not supplied to Respondent No.1.

4 The perusal of the material placed on record would reveal that there are serious allegations against Respondent No.1. The Petitioner has found Respondent No.1 guilty of mis-appropriation of huge amounts. The said finding has been affirmed by the Appellate Authority i.e. Joint Registrar. We find that if the Hon'ble Minister in Revision was of the opinion that the inquiry proceedings were not in accordance with law, then, in view of the serious charges, at the most he could have remanded the matter for conducting the matter afresh from the stage of appointment of Inquiry Committee. However, when

the Inquiry Committee as well as the Appellate Authority had found that serious charges of misappropriation were to be correct, we find that the Hon'ble Minister had grossly erred in rejecting reinstatement with full back wages.

5 In that view of the matter, we find that interest of justice would be sub-served by the following order :

ORDER

- (i) Impugned order dated 23.02.2016 passed by the Hon'ble Minister is quashed and set aside.
- (ii) The Petitioner is directed to hold the inquiry against Respondent No.1 afresh from the stage of appointment of Inquiry Officer in accordance with the relevant provisions.
- (iii) The Inquiry proceedings be completed as expeditiously as possible and in any case within a period six weeks from today.
- (iv) Rule stands disposed of accordingly.
- (v) No costs.

(RIYAZ I. CHAGLA J.)

(B. R. GAVAI J.)