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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION LODGING NO. 2330 OF 2017

Mr. Prakash S/o Mahadu Sable

.. Petitioner

Versus

1. The State of Maharashtra and anr.

.. Respondents

Mr. A. M. Saraogi for petitioner.

Mr. U. S. Upadhyay, AGP for respondent no.1 – State.

Mr. A. V. Bukhari, Senior Advocate with Mr. B. V. Bukhari and Mr. Sagar Patil for respondent no.2-Corporation.

CORAM: NARESH H. PATIL &
Z. A. HAQ, JJ.

SEPTEMBER 13, 2017.

P.C.

1. The petitioner is an employee of Mumbai Municipal Corporation discharging his duties as Assistant Head Supervisor (SWM), “N” Ward. The petitioner contends that he is also holding additional charge of Deputy Head Supervisor, Zone – V. By an order dated 5/7/2017, the Deputy Commissioner, Zone – VI, Mumbai Municipal Corporation, passed an order of suspension against the petitioner.

2. The petitioner preferred Writ Petition (L) No. 1868 of 2017 challenging the order of suspension, dated 5/7/2017. By an order dated 17/7/2017, the Division Bench of this Court (Coram : Shantanu Kemkar & M. S. Sonak, JJ.] directed the Additional Commissioner, Eastern Suburbs, Mumbai Municipal Corporation to consider the representations submitted by the petitioner and take appropriate decision on the said representations. Consequent to the order passed by this court, the Additional Commissioner, Eastern Suburbs looked into the matter, the relevant record, heard the petitioner and on 7/8/2017 passed following order :-

“ The suspension order U/No.MDE/1122/Gen dt. 05.07.2017 under signature of Deputy Municipal Commissioner (Zone VI) is found to be administratively correct & I hereby confirm the suspension of petitioner Shri Prakash Mahadu Sable for violation of Service Rule 3(1)(One) (two)(three)(four), 3(2), pending enquiry.”

3. We heard the learned counsel appearing for the petitioner and the learned Senior Counsel appearing for the Corporation.

4. The learned counsel appearing for the petitioner, on instructions from the petitioner, who is present in court, submits that in the facts, the respondent no. 2 – Corporation be directed to complete the

enquiry in accordance with law, consequent to the order of suspension, as expeditiously as possible. The learned counsel further requests that the enquiry shall be directed to be completed within a stipulated time frame. It is further urged that all the issues on merits be kept open.

5. At this stage, the learned Senior Counsel appearing for the respondent no. 2 – Corporation submits that the enquiry would be conducted in accordance with the prescribed procedure and the Rules framed in that behalf. The concerned Authority would take necessary steps to complete the enquiry as expeditiously as possible, on its own merits.

6. In the facts, we direct the respondent no.2 – Corporation to complete the enquiry relating to the subject matter of order of suspension passed against the petitioner by the Corporation as expeditiously as possible, preferably within six months from today. All issues on merits are kept open.

7. With the aforesaid directions, petition stands disposed of.

(Z. A. HAQ,J.)

(NARESH H. PATIL,J.)