

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

WRIT PETITION NO. 588 OF 2018

Malkhansing Mangalsing Sable .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri S. C. Yeramwar, Advocate h/f Shri S. S. Phatale, Advocate
for the Petitioner.

Shri G. O. Wattamwar, A.G.P. for All Respondents.

**CORAM : S. V. GANGAPURWALA AND
ARUN M. DHAVALA, JJ.**

DATE : 16TH JANUARY, 2018.

FINAL ORDER :

. Issue notice to respondents. The learned Assistant Government Pleader waives notice for all respondents.

2. It is stated that, validation proceeding in respect of tribe claim of the petitioner is pending. This Court under order dated 21.06.2016 in Writ Petition No. 6385 of 2016 had passed an order directing the employer to reinstate the petitioner subject to decision on the validation claim. It is submitted that, the said validation proceeding is not yet decided and still the respondent/employer has issued show cause notice to submit validity within seven days, else action would be taken.

3. When this Court had set aside the termination and directed reinstatement subject to decision in the validation proceeding, it was expected of the employer not to precipitate further action during pendency of validation proceeding.

4. In the earlier order passed by this Court, the Committee is already directed to decide the validation proceeding within a period of eight months. It appears that, it is failure on the part of Committee in not deciding validation proceeding within time as directed by this Court. The Committee is expected to abide by the stipulation and directions given by this Court. The petitioner shall appear before the Committee on 30.01.2018 and shall co-operate in expeditious disposal of the said proceeding. The impugned show cause notice is quashed and set aside. The respondent/employer may take further course of action depending upon the judgment that would be delivered by the committee in validation proceedings. The writ petition accordingly is allowed. No costs.

[ARUN M. DHAVALÉ, J.]

[S. V. GANGAPURWALA, J.]