

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1282 OF 2018

Malkhansing Mangalsing Sable

.. **Petitioner**

Versus

State of Maharashtra and others

.. **Respondents**

Shri Sagar S. Phatale, Advocate for the Petitioner.

Shri P. S. Patil, Addl. G. P. for Respondents.

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 1st February, 2018

PER COURT :

1. Mr. Patil, learned Addl.G.P. on instructions states that the validation proceeding in respect of the tribe claim of the petitioner is pending with the committee for hearing for want of Coram. The proceeding could not be decided.
2. It appears that, it is not the fault of the petitioner for the proceeding not being decided.
3. In fact, the petitioner had earlier filed Writ Petition No. 6385 of 2016. This court had reinstated the petitioner and directed the proceeding to be decided within stipulated period.

The proceeding was not decided within the stipulated period. As such, the employer again issued notice to the petitioner. The petitioner filed Writ Petition No. 588 of 2018. This court on 16th January, 2018, quashed the show cause notice and directed the respondent not to take any adverse action till the disposal of the proceeding. However, on 16th January, 2018, itself the petitioner is terminated.

4. Considering that it is not the fault of the petitioner and the orders of this court passed earlier are not properly interpreted by the employer, the impugned order is quashed and set aside. The respondent shall reinstate the petitioner on his original post with continuity and back wages. The committee shall decide the validation proceeding expeditiously and preferably within three (3) months from the date of appearance of the petitioner. The petitioner shall appear before the committee on 14th February, 2018.

5. The writ petition is accordingly disposed of. No costs.

[A. M. DHAVAL, J.]

marathe/Jan.18

[S. V. GANGAPURWALA, J.]