

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

WRIT PETITION NO. 5248 OF 2017

Tanaji S/o Laxman Suryawanshi ... Petitioner

VERSUS

The State of Maharashtra & Ors. ... Respondents

.....
Mr Shrikrishna B. Solanke, Advocate for the petitioner
Mr P. S. Patil, AGP for respondent/State
.....

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

DATE : 22ND JANUARY, 2018.

ORDER:

1. The tribe claim of the petitioner is invalidated.
2. Amongst the other submissions, one of the submission of the learned counsel for the petitioner is that the copy of vigilance report was not served upon the petitioner and he also could not get opportunity to file his say to the vigilance report. On telephonic instructions, the petitioner appeared and the matter was decided by the Committee.
3. Mr P. S. Patil, learned AGP for respondent/State submits that, notice was sent to the petitioner on the address given by the

petitioner, however, the same was returned unserved. The endorsement of the postman was also suspicious. The petitioner had remained absent and eventually the Committee by telephone instructed the employer to ask the petitioner to remain present and the petitioner remained present, argued the matter fully and after considering the documents on record including the validity as submitted by the petitioner, the Committee rightly passed the order.

4. From the record, it transpires that the petitioner was not served with the copy of the vigilance report and eventually did not get an opportunity to file his say to the vigilance report. The matter has been decided in absence of the copy of the vigilance report being served upon the petitioner and giving of opportunity to file his say.

5. As the petitioner was not served with the copy of vigilance report so also could not get an opportunity to file his say, we grant one more opportunity to the petitioner. We pass the following order.

ORDER

- (i) The learned AGP shall serve the copy of the vigilance report to the learned counsel for the petitioner during the course of the day.

- (ii) The impugned order is quashed and set aside and the matter is remitted back to the Committee. The petitioner shall appear before the Committee on 05.02.2018 and on the very same day shall file his say to the vigilance report. The Committee shall thereafter give opportunity to the petitioner to argue the matter, decide the matter afresh on its own merits, preferably within two months from the date of appearance of the petitioner.
- (iii) Writ Petition is, accordingly, disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde