

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

WRIT PETITION NO. 13206 OF 2017

Aziz Ahmed Siraj Ahmed

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri M. A. Golegaonkar, Advocate h/f Shri S. A. Shaikh, Advocate
for the Petitioner.

Shri P. S. Patil, Addl.G.P. for the Respondent No. 1.

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

DATE : 10TH JANUARY, 2018.

FINAL ORDER :

. Mr. Golegaonkar, the learned advocate for the petitioner submits that, initially the petitioner was suspended for a period of four weeks. Under the impugned order the suspension order was continued. The learned advocate further submits that, the order continuing the suspension is without jurisdiction and void *ab-initio* as it is only signed by the Chairman and Chief Executive Officer and not by all the members of the board. The learned advocate further submits that, it is almost for nine months the petitioner is under suspension. The disciplinary proceedings also is not proceeded further. The suspension was under Rule 4 of the Maharashtra Civil Services (Discipline and

Appeal) Rules (for short “ Discipline and Appeal Rules”. The petitioner had filed appeal under Rule 17 of the Discipline and Appeal Rules. Though the appeal is filed in September 2017, no decision has been taken upon it as yet. The learned counsel further submits that, as suspension of the petitioner is void *ab-initio*, same deserves to be revoked and petitioner deserves to be reinstated.

2. The petitioner has already filed appeal against continuation of suspension order under Rule 17 of the Discipline and Appeal Rules. It is appropriate for the Appellate Authority to consider said aspect.

3. Considering that appeal is pending since September 2017 and it is with regard to continuation of suspension, the respondent authority where the appeal is pending shall endeavour to decide said appeal expeditiously and preferably within a period of eight (08) weeks from the date of appearance of the petitioner. The petitioner may appear before the authority on 22nd January, 2018. The writ petition is disposed of. No costs.

[ARUN M. DHAVALÉ, J.]

[S. V. GANGAPURWALA, J.]