

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7178 OF 2017

Balkrushna Ramai Gupta

..... Petitioner

VERSUS

State of Maharashtra & Ors.

..... Respondents

Mr.Mukesh V. Aiya for the Petitioner.

Ms.K.N.Solunke, A.G.P. for the State – Respondent nos. 1 to 4.

CORAM : R.D. DHANUKA, J.

DATE : 12th FEBRUARY, 2018

P.C.

Rule. Learned A.G.P. waives service for the respondent nos. 1 to 4. By consent of parties, matter is heard finally at the admission stage.

2. By this petition, the petitioner has impugned the order dated 23rd June, 2015 passed by the respondent no.2 and the impugned order dated 30th May, 2017 passed by the respondent no.4.

3. Learned counsel for the petitioner invited my attention to the order dated 22nd February,2017 passed by this court in Writ Petition (St.) No.9789 of 2016 in case of ***Zaverilal Mavaji Gala vs. State of Maharashtra & Ors.*** and would submit that this petition also can be disposed of on the same line in view of the facts of this case being identical to the facts before this court in the said matter.

4. A perusal of the order dated 22nd February,2017 passed by this court in case of ***Zaverilal Mavaji Gala*** (supra) indicates that the facts of this case are identical of that case. In this case also no show cause was issued to the petitioner and no hearing was given.

5. The impugned order dated 23rd June, 2015 passed by the respondent no.2 and the impugned order dated 30th May, 2017 passed by the respondent no.4 are set aside. The matter is remitted back to the respondent no.4 for consideration of the revision application. It would be open for the petitioner to contend that in similar case the suspension has been revoked by the Authority. The respondent no.4 shall decide the matter on its own merits and in accordance with law without being influenced by the observations made and the conclusions drawn in the order dated 23rd June, 2015 passed by the respondent no.2 and the order dated 30th May, 2017 passed by the respondent no.4 expeditiously on or before 15th April, 2018.

6. The parties to act on the authenticated copy of this order.

7. The petitioner is directed to remain present before the respondent no.4 on 22nd February,2018 at 02.30 p.m.

8. If the date is not convenient to the respondent no.4, the convenient date shall be conveyed to the petitioner as well as to the authority.

9. Rule is made absolute in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]