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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10535 OF 2018

Rajendra Vishwanath Satange .. Petitioner
Vs.
Zilla Parishad, Raigad & anr. .. Respondents

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Shri Nitin P. Dalvi, Advocate for the Petitioner.
Shri C.G. Ghavnekar a/w. G.S. Hiranandani, Advocate for
Respondent No.1.
Mrs. R.M. Shinde, AGP for State – Respondent.

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**CORAM : R.M. SAVANT, &
M.S. KARNIK, JJ.
DATE : 25th SEPTEMBER , 2018**

P.C. :

The writ jurisdiction of this Court is invoked against the order of suspension dated 27/7/2018 thereby suspending the Petitioner for the reasons mentioned in the said order. The reasons are inter-alia to the following effect :

Failure to remain present at the time of the inspection at Tupgaon and Lodhiwali Grampanchayats and moving the record to Panvel and thereby making the same not available to the higher ups, the statement of account in respect of expenses carried out under 14th Finance Commission being

not made available, the irregularities in the management of the Grampanchayats of Tupgaon and Lodhiwali and remaining absent at the review meetings of the Gramsevak and thereby not following the directions of the higher ups.

2. The Learned Counsel for the Petitioner would contend that the suspension order is vitiated on the ground that the office note has been put by an officer whose appointment was found to be illegal by this Court. The Learned Counsel also sought to impress upon this Court by way of dates that the order of suspension is malafide.

3. We are not impressed by the said submissions.

4. We have perused the original file produced by the Learned Counsel for the Zilla Parishad. On such perusal we find that there are elaborate office notings of the officers of the Zilla Parishad ultimately culminating in the office note being endorsed by the Chief Executive Officer, Zilla Parishad, on 26/7/2018. It is the said date which is therefore appearing

below the signature of the Chief Executive Officer, Zilla Parishad, on the suspension order.

5. Insofar as the submission based on the fact that the appointment of the officer who has put up the noting, his appointment is set aside by this Court is concerned, assuming it to be is so the said action cannot vitiate the order as the doctrine of De-facto would become applicable. It is trite that suspension is always pending an enquiry and so is the case in the instant matter, we therefore do not deem this a fit case to exercise our writ jurisdiction. The Writ Petition is accordingly dismissed.

[M.S. KARNIK, J]

[R.M. SAVANT, J]