

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11407 OF 2014

Santosh P. Chandane ... Petitioner.
V/s.

The Deputy Conservator of
Forest, Thane and anr. ... Respondents.

WITH

CIVIL APPLICATION NO. 702 OF 2015

The Deputy Conservator of
Forest, Thane Applicant/Respondent.

V/s.
Santosh P. Chandane ... Respondent/Petitioner.

Ms Lata Patne for the Petitioner.

Mr. Prashant More, AGP for the Respondents- State.

CORAM : A.S. OKA AND M.S. SONAK, JJ.

DATE : 25th SEPTEMBER 2018.

PC:

1] There is no dispute that this petition will be covered by the judgment and order separately delivered today in Writ Petition No. 11408 of 2014. Therefore, for the reasons separately recorded in the said judgment in Writ Petition No.11408 of 2014, we pass the following order:-

(a) The impugned judgment and order dated 13th November 2014 is hereby quashed and set aside only to the extent of Original Application No.26 of 2014;

(b) We make it clear that the issue of legality and validity of the appointments of the petitioners remains expressly kept open which will have to be considered by the State Government while passing the orders on show cause notices;

(c) We make it clear that the impugned judgment and order decides several Original Applications apart from Original Application No. 26 of 2014 (and Original Applications subject matter of companion petition decided today) and therefore, we clarify that the impugned judgment and order will continue to operate insofar as other Original Applications are concerned;

(d) It will be open for the petitioners to file additional reply to the show cause notices impugned before the Tribunal. Such additional reply shall be filed along with necessary documents, if any, within a period of four weeks from the date on which this judgment and order is uploaded;

(e) Needless to add that for a period of four weeks from the date on which this judgment and order is uploaded, final decision shall not be taken on show cause notices. We make it clear that the final decision shall not be taken on the show cause notices without considering the reply already filed by the petitioners and additional reply which may be filed by the petitioners;

(f) We also make it clear that the final decision shall not be taken by the State Government on the show cause notices without giving an opportunity of being heard to the petitioners;

(g) We make it clear that all the contentions of parties on the issue of legality and validity of the appointments of the petitioners are kept open;

(h) Rule is made partly absolute on the above terms;

(i) Pending Civil Application does not survive and the same is disposed of accordingly.

(M. S. SONAK, J.)

(A.S.OKA, J.)