

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

9 WRIT PETITION NO.1205 OF 2018

**MAHADU SHYAMRAO PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Mr. Gastgar Santosh B.
AGP for Respondents State: Mr. S.P. Tiwari
Advocate for Respondent No.3 : Mr. Hemraj P. Kshirsagar

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

DATE : 28th March, 2019

PER COURT :

1. The petitioner is terminated from services after departmental enquiry. According to the petitioner, departmental enquiry was ex-parte.

2. We have heard learned Advocate for the petitioner and learned A.G.P.

3. The appeal preferred by the petitioner is dismissed on the ground that the petitioner is not in position to show as to how the appeal is maintainable under section 14 of the Maharashtra Zilla Parishads District Services (Discipline and Appeal) Rules, 1964. In fact, the termination of services was by way of penalty. The appeal would be maintainable under Rule 13

of the Rules, 1964.

4. In the light of above, the impugned order is quashed and set aside. The matter is relegated before the Commissioner, Nashik Division, Nashik. The Commissioner shall decide the appeal filed by the petitioner, afresh, on its own merits and shall not dismiss it on the ground of jurisdiction. The same shall be decided expeditiously. The petitioner may appear before the Commissioner, Nashik Division, Nashik on 09.04.2019.

5. Writ petition disposed of. No costs.

(A. M.DHAVALA, J.)

(S.V.GANGAPURWALA, J.)

JPC