

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

**995 WRIT PETITION NO.2945 OF 2018
WITH CA/15039/2018 IN WP/2945/2018**

HUSEN GOVINDRAO ATAM

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER..RESPONDENTS

...

Ms. P. S. Talekar h/f M/s. Talekar and Associates,
Advocate for the Petitioner.

Mr. S. B. Yawalkar, AGP for Respondent No.1.

Mr. Tukaram M. Venjane, Advocate for Respondent
No.2.

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**CORAM : S. V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.**

DATED : 22nd NOVEMBER, 2019.

PER COURT:-

1. We have heard Ms. Talekar, learned counsel for the petitioner and Mr. Venjane, learned counsel for respondent.

2. Amongst the other grounds agitated by the learned counsel for the petitioner one of the ground is that, before reverting the petitioner the petitioner was never issued with any notice nor any explanation was called from the petitioner.

3. According to the learned counsel for respondents before passing order of reversion, the Board had passed Resolution on 03.10.2017 taking decision to revert the petitioner and the said

Resolution was placed on the website. As the petitioner was aware of the same, as such the personal notice was not given to the petitioner.

4. The petitioner was promoted to the post of District Manager on or about 19.08.2014. The order of reversion is passed on 13.02.2018 after three and half years. The order of reversion was adverse to the interest of the petitioner.

5. The distinction between an administrative action and quasi judicial order has almost obliterated. When an action adverse to the interest of the petitioner is resorted to, the adherence to the principles of natural justice is must. In the present case, before reverting the petitioner after three and half years, the petitioner was never issued any show cause notice nor called for any explanation nor was heard. Such a order cannot be sustained. It would be in flagrant violation of principles of natural justice.

6. In the light of above, the impugned order is quashed and set aside only on the ground that respondents have not adhered to the principles of natural justice before reverting the petitioner.

7. In case, respondents want to take further action, they may not do so without issuing notice to the petitioner.

8. Pursuant to the order of status quo granted by this Court, if the petitioner was working on the post of which he was promoted, then he shall be paid the salary of the promotional post.

9. The authorities shall consider the muster roll and other correspondence that would be shown by the petitioner to prove that he is working on the promotional post.

10. Writ Petition is disposed of. No costs.

11. In view of disposal of writ petition, present civil application stands disposed of.

(AVINASH G. GHAROTE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE