

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6547 OF 2019

VIJAY SHIVAJI SALUNKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Yeramwar Sushant C.
AGP for Respondents / State : Mr. P. S. Patil

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CORAM: S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.

DATE: 03rd SEPTEMBER, 2019

PER COURT:

1. This Court in Writ Petition No. 2487 of 2012 under order dated 05.01.2018 had directed the committee to decide the proceeding within nine (09) months and further directed employer not to take adverse action during the pendency of the validation proceeding.

2. Fresh show cause notice has been issued by the employer on the ground that within nine (09) months the validity certificate is not produced.

3. It is failure on the part of the committee to decide the validation proceeding. In fact, the employer ought not to have issued show cause notice during the pendency of the validation proceeding.

4. In the light of above, we pass the following order.

5. The impugned show cause notice is quashed and set aside. The employer shall not take adverse action against the petitioner during pendency of the validation proceeding. The committee ought to have decided the validation proceeding as per the directions of this Court dated 05.01.2018 in Writ Petition No. 2487 of 2012. We give four (04) months time to the committee to decide the validation proceeding as last opportunity, else we may take further action against the members of the committee. The petitioner shall appear before the committee on 11.09.2019 and shall cooperate in expeditious disposal of the validation proceeding.

If the petitioner does not cooperate, the committee can proceed further.

6. With the aforesaid direction, the writ petition is disposed of. No costs.

[ANIL S. KILOR, J.] [S. V. GANGAPURWALA, J.]

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