

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

926 WRIT PETITION NO.7792 OF 2015

SUBHASH SHANKARRAO HINGMIRE
VERSUS
THE CHIEF EXECUTIVE OFFICER AND OTHERS

...
Advocate for Petitioner : Mr. Mukhedkar Amit A.
Advocate for Respondents No.1 to 3 :Mr. P.P. More

...
CORAM : **PRASANNA B. VARALE & ANIL S. KILOR, JJ.**

Date: November 20, 2019

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PER COURT :-

1 By the present petition, the petitioner is challenging the order of termination issued by the Chief Executive Officer, Zilha Parishad, Osmanabad, terminating the services of the petitioner as a Junior Engineer.

2 The learned counsel for the petitioner submits that the Zillha Parishad, without following due procedure and without considering five years services of the petitioner, suddenly terminated the services, even before completion of his period of appointment.

3 The learned counsel for the Zilha Parishad raised a preliminary objection as to maintainability of the petition and he has drawn our attention to the provisions of The Maharashtra Zilha Parishad District Services (Discipline & Appeal) Rules, 1964, wherein the termination is described as a major penalty, against which a statutory appeal is provided under Rule 13 of the said Rules. The learned counsel for the Zilha Parishad accordingly prays

for dismissal of the present petition in view of alternate remedy available for the petitioner.

4 Under the Rules of 1964, a remedy by way of an appeal is provided against the order of termination. In the present matter, as pointed out above, the petitioner was working as a Junior Engineer and his services were terminated by order of the Chief Executive Officer on 13.7.2015. In view of the fact that the statutory appeal is available to the petitioner before the Commissioner, we are not inclined to entertain the present petition.

5 At this stage, the learned counsel for the petitioner made a request that the period spent in pursuing the present petition may not be considered as a delay while filing the appeal before the statutory authority.

6 In the light of above facts, we dispose of the present petition with liberty to the petitioner to approach the appropriate authority under law. The learned counsel for the petitioner makes a statement that within two weeks, the appeal will be filed. In case the appeal is filed within two weeks from today, time spent in pursuing the present petition shall not be considered as delay in filing the appeal.

7 No order as to costs.

(ANIL S. KILOR, J)

(PRASANNA B. VARALE J).