

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10271 OF 2017

ASHOK RAMBHAU SHINDE
VERSUS
THE DEPUTY REGISTRAR, CO-OP. SOCIETIES AND OTHERS

WITH
WRIT PETITION NO. 9807 OF 2017

BABASAHEB RAMCHANDRA GHULE AND OTHERS
VERSUS
THE B.J. KHATAL JANTA SAHAKARI BANK LTD. AND OTHERS

AND
WRIT PETITION NO. 10602 OF 2017

DEORAM PARBAT DIGHE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. S.T. Shelke, Advocate for petitioner (WP/10271/2017)
Mr. V.Y. Bhide, Advocate for petitioner (WP/9807/2017)
Mr. A.V. Hon, Advocate for petitioner (WP/10602/2017)
Mr. G.O. Wattamwar, AGP for respondent-State
Mr. N.R. Bhavar, Advocate for respondent no.5 (WP/10271/2017),
for respondent no.1 (WP/9807/2017) and for respondent no. 4
(WP/10602/2017)

...

CORAM : SUNIL P. DESHMUKH, J.
DATE : 03-01-2019

ORDER :

1. Heard learned counsel for appearing parties.

2. After hearing the parties and on perusal of the decisions rendered by appellate and revisional authorities, which are common, it appears that not even skeleton factual aspects by which liability is sought to be fastened onto the petitioners are considered. There is no appreciation of facts leading to levelling of charges and the manner of enquiry, alleged to be not proper. Not a single instance is discussed nor any has been considered and referred to in the decisions. Observations in the impugned order of appellate as well as revisional authority are cursory without touching upon merits of the claims of the petitioners, rendering the decisions unsustainable.

3. In the circumstances, it appears the matters be remanded to appellate authority for decisions with reference to the facts and law. It is expected that appellate authority would deal with contentions raised on behalf of petitioners as well as respondents and decide on the same in accordance with the facts, law and evidence. This exercise should be carried out by appellate authority within a period of three (3) months from the date of receipt of writ of this order.

4. It appears that interim relief had been operating hitherto in the writ petitions. As such, the same shall continue to

operate till the disposal of appeal/s.

5. Writ petitions are disposed of.

[SUNIL P. DESHMUKH]
JUDGE

arp/