

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10594 OF 2018
(Satish Nanasaheb Bhamre Vs. The State of Maharashtra and
another)

Mr.C.C.Deshpande, learned Advocate for the petitioner.
Mrs.V.D.Jadhav, learned Advocate for respondent No.2.
Mr.S.W.Munde, AGP for respondent No.1.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 30/01/2019

PER COURT :

1. On 01/11/2018, this Court had passed the following order :-

"1 I have heard the learned Advocates for the respective sides and the learned AGP.

2 The grievance is as against the suspension dated 20.07.2018 under the orders of the Chief Executive Officer, Zilla Parishad, Dhule.

3 The learned Advocate for Respondent No.2/ Zilla Parishad submits that this Petitioner is involved in several crimes. Crime No.15/2015 and Crime No.20/2015 invoking various provisions of the Indian Penal Code are being investigated against the Petitioner. He was initially suspended as he was behind the bars. He was reinstated on 22.05.2018. As he was arrested and sent under the police custody remand on 17.07.2018, the Zilla Parishad invoked Rule 3(2) of the Maharashtra Zilla Parishad District Services (Discipline and Appeal) Rules, 1964 and placed him under suspension vide the impugned order. He was, thereafter, remanded to the magisterial custody and then, released on bail on

31.07.2018.

4 The learned Advocate for the Petitioner vehemently contends that these recent developments are pertaining to the instances that may have occurred in 2014 and 2015. The Sarpanch has tendered an application on 07.01.2015 and that has resulted in the arrest of the Petitioner on 17.07.2018, which is after three years and six months.

5 The learned Advocate for Respondent No.2/ Zilla Parishad submits that the Zilla Parishad does not intend to keep the Petitioner suspended in perpetuity without any cause. Within a fortnight, a charge sheet -cum- show cause notice is being issued to him. The same is being prepared. Thereafter, a departmental enquiry would be conducted with regard to his accumulation of wealth beyond his known source of income and other relevant clauses of the Maharashtra Zilla Parishad District Services (Discipline and Appeal) Rules, 1964 as the Zilla Parishad may deem it appropriate.

6 The learned AGP submits, on instructions, that the Petitioner has already moved the learned Division Bench of this Court for seeking quashing of the First Information Report.

7 In view of the above, this matter shall stand over to 05.12.2018 in the urgent admission category, for further hearing.”

2. Learned Advocate for respondent No.2 submits that a charge sheet-cum-show cause notice was issued on 01/11/2018. The petitioner has replied to the notice. The departmental enquiry has commenced and 27/02/2019 is the second date in the enquiry.

3. Learned Advocate for the petitioner submits that he has moved an application on 19/11/2018 praying for certain documents to be supplied to him as they are relevant and are required for him to prepare his defence. As on date, he has not been given those documents by respondent No.2.

4. Considering the above, this petition is not required to be kept pending and the same is therefore disposed off. Needless to state, the entitlement of the petitioner as is provided in Law including the payment of his suspension allowance, shall be borne in mind by respondent No.2. The Enquiry Officer shall deal with the application of the petitioner by which he has sought copies of certain documents and shall pass appropriate orders to ensure that the enquiry is conducted in accordance with the procedure laid down in Law.

5. The statement of respondent No.2 that they would complete the departmental enquiry within 6 months subject to the cooperation of the petitioner, is recorded.

(Ravindra V.Ghuge, J.)