

(1)

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

WRIT PETITION NO.766 OF 2019

Nanarao Pandurang Jadhav,
Age: 46 years, Occ: Service,
R/o. At Chandkal, Post Diggi,
Taluka Omerga, District Osmanabad. ..PETITIONER

VERSUS

The Chief Executive Officer,
Zilla Parishad, Osmanabad. ..RESPONDENT

Mr Santosh S. Jadhavar, Advocate for petitioner;

**CORAM : PRASANNA B. VARALE
AND
S.M.GAVHANE, JJ.**

DATE : 22nd JANUARY, 2019

ORAL ORDER :

Heard learned Counsel appearing for the
petitioner.

2. The petitioner is approaching this Court
under Article 226 of the Constitution of India with
a prayer of issuance of writ, order or direction to
sole respondent – Chief Executive Officer, Zilla
Parishad, Osmanabad to comply the order dated 3rd

(2)

February, 2018 passed by the Additional Divisional Commissioner, Aurangabad in Appeal No.2017/DB/Appeal/Cell/43. It may not be necessary for us to refer to the facts in detail. Suffice to say that the petitioner was subjected to an order of cancellation of appointment/termination dated 6th February, 2017. The petitioner entered in the service of respondent - Zilla Parishad, Osmanabad as *Parichar*.

3. Being aggrieved by the order dated 6th February, 2017, the petitioner preferred an appeal before the Divisional Commissioner. Initially, on 21st June, 2017 stay was granted to the termination order by issuing notice and by order dated 3rd February, 2018 the appeal was partly allowed. The order dated 6th February, 2017 was quashed and set aside and the Chief Executive Officer, Zilla Parishad, Osmanabad was directed to give an opportunity of hearing to the petitioner and pass order afresh.

(3)

4. Though Mr. Jadhavar, learned Counsel appearing for the petitioner initially submitted that in spite of repeated requests to the respondent to give effect to the order of the Divisional Commissioner, there was no progress in the matter, subsequently, Mr. Jadhavar, learned Counsel, on instructions, submitted before us that the petitioner also apprised the respondent solely by submitting representation and prayed for compliance of the order. Learned Counsel placed on record the copy of the representation dated 1st August, 2018 submitted to the Chief Executive Officer, Zilla Parishad, Osmanabad.

5. So far as the prayer in the petition is concerned, we are not inclined to entertain the petition on the basis of the prayer but for latter submission of learned Counsel that the representation is also submitted to the Chief Executive Officer on 1st August, 2018 and same is pending before the said authority for quite some time, we dispose the petition with direction to the

(4)

respondent sole to take expeditious decision on the representation of the petitioner, on the backdrop of the order passed by the Divisional Commissioner dated 3rd February, 2018.

6. With this direction, the petition is disposed of.

(**S.M.GAVHANE**)
JUDGE

(**PRASANNA B. VARALE**)
JUDGE

Tupe