

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

WRIT PETITION NO. 747 OF 2019

Shaikh Quaddus Shaikh Lal .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Pavankumar S. Agrawal, Advocate for the Petitioner.
Ms. P. V. Diggikar, A.G.P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVALA, JJ.**

DATE : 22ND JANUARY, 2019.

FINAL ORDER :

. The original application filed by the petitioner has not been admitted on the ground that it is premature. Six months have not lapsed after the representation is given.

2. We have heard, the learned counsel for the petitioner and the learned Assistant Government Pleader for respondent Nos. 1 to 3.

3. In fact, the petitioner has also challenged the suspension order on merits contending that the order of suspension is *void ab-initio*. No departmental enquiry as yet has been commenced.

The Tribunal without considering said aspect of the matter has passed an order of not admitting the original application.

4. The Tribunal was expected to consider merits of the contentions of the petitioner and the respondents and thereafter ought to have passed the order on the original application on the merits of the contention. The Tribunal did not consider the contentions raised by the petitioner in the original application and straight way passed the order of not admitting the original application. Such approach of the Tribunal is improper.

5. In the light of the above, the impugned order is quashed and set aside. The parties are relegated before the Tribunal. The Original Application No. 945 of 2018 is restored to its original position. The parties shall appear before the Tribunal on 11th February, 2019.

6. In view of the above, the writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]