

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 2680 OF 2014

Manoj Madhukar Kamble

... Petitioner.

V/s.

The Collector, Sangli and Ors.

... Respondents.

Mr. P.D. Pise for the Petitioner.

Mr. A.I. Patel, AGP for Respondents 1,4 and 7.

Mr. Chandrakant V. Solaskar I/b. Mr. Sudhir Prabhu for Respondent No.2.

Mr. Nagesh Y. Chavan for Respondent No.5

***CORAM : PRADEEP NANDRAJOG, C.J. &
N.M. JAMDAR, J.***

DATE : 10 JUNE 2019.

P.C. :-

Pursuant to recommendation made by the Collector, District Sangli, the 5th Respondent proceeded to suspend the Petitioner. The Collector issued the said direction on account of the fact that the Petitioner's wife was contesting election to the post of

local body as a Corporator and it was alleged against the Petitioner that he had violated the model Code of Conduct. It was also alleged that the Petitioner was a proposer in the nomination form submitted by his wife. Case of the Petitioner that he is an employee of an aided private school and is not a Government servant.

2. We need not decide the merits of the controversy for the reason admittedly pursuant to a charge memo being served upon the Petitioner, and enquiry being held, an order has been passed removing him from service, against which Appeal has been filed by the Petitioner.

3. All contentions of the fact and law pleaded in the Writ Petition would be available to the Petitioner in the Appeal filed and thus, in view of the subsequent events, we dispose of a Writ Petition as infructuous clarifying that all pleas of law and fact raised in the Writ Petition would be available to be raised in the Writ Petition challenging the penalty order.

N.M. JAMDAR, J.

CHIEF JUSTICE