

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11511 OF 2014

Subhash Baliram SavaskarPetitioner

Versus

Solapur Municipal Corporation & ors. ...Respondents

Mr. Shardul Singh, I/b DSK Legal, for the Petitioner.

Mr. D. G. Dhanure, for Respondent nos.1 and 2.

**CORAM: B. R. GAVAI &
N. J. JAMADAR, JJ**

DATED: 8th March, 2019

Oral Order :- (Per B. R. Gavai, J.)

1. The Petitioner has approached this Court since the departmental proceedings were initiated against the Petitioner after his retirement though the General Body of the Respondent – Corporation had not granted approval to initiate such proceedings.

2. The matter was adjourned on 11th February, 2019, so as to enable the learned Counsel for the Corporation to take instructions from the in-charge Commissioner of the Corporation, as to whether the said Commissioner has decided to drop the enquiry proceedings or not since the same are contrary to the statutory provisions.

3. The matter was, thereafter, adjourned to certain dates since the learned Counsel for the Corporation was not in a

position to take appropriate instructions from the Corporation.

4. Ultimately, the learned Counsel for the Corporation submitted that the present incumbent in the office of the Commissioner - Corporation has decided to withdraw the departmental proceedings against the Petitioner.

5. Needless to state that, if any amount payable to the Petitioner on account of his retirement is withheld, the same shall be released within six weeks from today.

6. It is further to be noted that the Commissioner, vide communication dated 7th March, 2019, addressed to the State Government, has withdrawn the challenge which was made by the then Commissioner to the resolution of the General Body refusing to grant approval to initiate the departmental proceedings against the Petitioner.

7. The petition is, therefore, allowed in aforesaid terms.

[N. J. JAMADAR, J.]

[B. R. GAVAI, J.]