

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1448 OF 2020

MALKHANSING MANGALSING SABLE ...PETITIONER

VERSUS

STATE OF MAHARASHTRA
AND OTHERS ...RESPONDENTS

Mr S.S. Phatale, Advocate for Petitioner
Mr A.B. Girase, Government Pleader for Respondents-State

**CORAM : S.V. GANGAPURWALA
AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 22ND JANUARY, 2020

PER COURT :

1. The learned Counsel for the petitioner submits that the validation proceeding is pending since the year 2012. The Committee had referred the matter to the Vigilance Committee on 14th February, 2019. However, the petitioner has not been served with the vigilance report. The learned Counsel submits that the employer issued notice asking the petitioner to submit validation proceeding within a period of seven days or else, service of the petitioner would be terminated.

2. The learned Government Pleader waives notice for all respondent and submits that in case the petitioner does not

submit the validity certificate within a stipulated period, the employer has every right to terminate the services of the petitioner.

3. It is submitted that the matter is already referred to the Vigilance Committee. It is for the Committee to decide the proceeding expeditiously. Of course, the petitioner has to co-operate in expeditious disposal of the proceeding.

4. Considering the above, we pass the following order :-

(i) The petitioner shall appear before the respondent No. 2 – Committee on 5th February, 2020.

(ii) Considering the fact that the matter was already referred to the Vigilance Committee before one year, the Committee shall endeavour to decide the validation proceeding within a period of four months from the date, the petitioner appears before the Committee.

(iii) The impugned notice is quashed and set aside.

(iv) The employer shall not take adverse action against the petitioner only on the ground that the validation proceeding is pending.

(v) The employer may take further course of action depending upon the Judgment that would be delivered by the Committee in the validation proceeding.

5. The writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S.V. GANGAPURWALA, J.]

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