

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

WRIT PETITION NO. 4809 OF 2017

Vijaykumar Vaman Bade and another	... Petitioners
Versus	
The State of Maharashtra and others	... Respondents

....

Mr. R. P. Bhumkar, Advocate for petitioners
 Mr. S. B. Yawalkar, AGP for respondent No.1
 Mr. D. P. Bakshi, Advocate for respondent Nos. 2 to 5.

....

**CORAM : PRASANNA B. VARALE
AND
R. G. AVACHAT, JJ.**

DATED : 28th JANUARY, 2020

PER COURT :-

. Heard Mr. Bhumkar, learned counsel for the petitioners.

2. It is not in dispute that the petitioners were recipients of show cause notice dated 19.03.2016. Perusal of the show cause notice shows that certain objections were raised in respect of the monetary benefits granted to the petitioners. The objections were in respect of the requisite qualifications. On that backdrop, the notice was issued to the petitioners seeking recovery of the amount, which was allegedly granted to the petitioners in excess.

3. Learned counsel Mr. Bakshi invited our attention to the reply dated 02.04.2016 submitted to the notice dated 29.03.2016 and the copy of the same is placed on record at Exhibit- "H". It is submitted by Mr. Bakshi that though this reply was submitted in the year 2016, the same was kept pending by the authority for a considerable period of one year. Mr. Bakshi also invited our attention to the representations submitted to the authority. In the representation the petitioners made the submissions, firstly, raising challenge to the show cause notice and secondly, for granting the status of Sectional Engineer to the petitioners. Mr. Bakshi, learned counsel also submitted that issuance of show cause notice to the petitioners is clearly unsustainable in view of the judicial pronouncement of the Hon'ble Apex Court in the case of ***State of Punjab Vs Rafiq Masih*** reported in ***(2015) AIR (SCW) 501***.

4. On issuance of notice, respondents filed reply and raised certain grounds before this Court as to how the petitioners are not entitled for the claim of the post of the Sectional Engineer. It is also stated that only the show cause notice has been issued to the petitioners and after filing the reply in the year 2016 as well on receipt of the representation in the year 2016, no orders are passed by the authorities till date.

5. Considering the above referred facts, we deem it appropriate to dispose of the petition with directions to respondent No.3 – Chief Administrative Officer, Maharashtra Jeevan Pradhikaran to pass appropriate order on the show cause notice dated 19.03.2016 so also to decide the representation dated 29.03.2016 within six weeks from today.

[R. G. AVACHAT, J.]

[PRASANNA B. VARALE, J.]

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