

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

WRIT PETITION NO 4810 OF 2020

Agricultural Produce Market Committee,
Beed, Through its incharge Secretary. ... **Petitioner.**

VERSUS

- 1) The State of Maharashtra,
Through its Principal Secretary,
Co-Operation, Marketing and
Textile Department, Mantralaya
Mumbai-32.
- 2) The Divisional Joint Registrar,
Co-Operative Societies, Latur.
- 3) The District Deputy Registrar,
Co-Operative Societies, Beed.
- 4) Ashok Atmaram Waghire,
Age 55 years, R/o. Ganpati Nagar,
Beed, Tq. & Dist. Beed. ... **Respondents.**

...

Advocate for the Petitioner : Mr. S.S. Thombre.
A.G.P. for the Respondents No. 1 to 3 : Mr. S.S. Dande.
Advocate for the Respondent No. 4 : Mr. B.R. Sable.

CORAM : MANGESH S. PATIL, J.

DATE : 23/07/2020

PER COURT :

Heard. Rule. It is made returnable forthwith. With consent heard the learned advocate Mr. Thombre for the petitioner, learned A.G.P. Mr. Dande and learned advocate Mr. Sable for respondent No. 4, finally at admission stage.

2. In a purported exercise of the powers vested in it under Rule

102(6) of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Rules, 1967 (hereinafter 'the Rules')read with 24(6) of the Beed Market Committee Employees (Conditions of Service) Rules the respondent No. 4 was dismissed from the post of Assistant Secretary. He has challenged that order by preferring an appeal under Rule 104 of the Rules. By the impugned order, the District Joint Registrar before whom the appeal has been preferred has granted stay to the order of dismissal, until further orders and fixed the matter for further hearing on 02.07.2020.

3. Learned advocate Mr. Thombre for the petitioner submits that interim relief granted by the District Joint Registrar is in the nature of final relief in favour of respondent No. 4 and no such interim relief could have been granted. He would further submit that no appeal under Rule 104 of the Rules is maintainable before the District Joint Registrar when that rule specifically mandates that it is the Director before whom the appeal would lie. Thus according to the learned advocate Mr. Thombre the impugned order is perverse, arbitrary and without jurisdiction.

4. The learned advocate Mr. Sable for respondent No. 4 submits that the powers of Directors have been delegated to the District Joint Registrar of Co-Operative Societies and there is no error in exercising the jurisdiction. He would further submit that the respondent No. 4 could not have been dismissed without following due process of law. All the illegalities are being brought to the notice of the Appellate Authority which is seized of the matter. When the respondent No. 4 has been *prima facie* dismissed illegally, there is no illegality in District Joint Registrar granting interim relief.

5. It is apparent that the statutory appeal preferred by the respondent No. 4 is pending before the District Joint Registrar Latur. All the aforementioned disputes as regards legality or otherwise of the dismissal order, jurisdiction etc. will have to be addressed and decided in that appeal by the District Joint Registrar, including the question of jurisdiction under

Rule 104 of the Rules.

6. Considering the fact that merely an interlocutory order is being challenged in this Writ Petition, it would be appropriate to direct the parties to appear before the District Joint Registrar and get the appeal decided finally as early as possible which would settle all the disputes finally.

7. The Writ Petition is partly allowed. District Joint Registrar Latur shall decide the Appeal No. 33/2020 as early as possible and in any case within a period of four weeks from today.

8. Parties to appear before the District Joint Registrar on 01.08.2020 and there shall be no necessity for him to issue notices to the parties.

Rule is accordingly made absolute in above terms.

(MANGESH S. PATIL, J.)

mkd