

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

WRIT PETITION NO. 4955 OF 2020

Namdeo Baluji Rathod

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

**WITH
CIVIL APPLICATION (ST) NO. 12287 OF 2020
IN
WRIT PETITION NO. 4955 OF 2020**

....

Mr. A.A. Nagargoje, Advocate for petitioner

Mr. S.K. Tambe, A.G.P. for respondent – State

Mr. S.B. Pulkundwar, Advocate for respondent nos. 2 and 3

Mr. A.A. Mukhedkar, Advocate for applicant

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**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.**

DATE : 23rd JULY, 2020

ORDER :

The petitioner is assailing the order of suspension. Mr. Nagargoje, learned Counsel for the petitioner submits that the grounds to suspend does not exist. The petitioner replied the show cause notice satisfactorily. The order of suspension does not state that the suspension is pending enquiry. 12th July, 2020 is the date of suspension order. That day was Sunday. Realising the same, subsequently on Whats-up order of suspension is sent to the petitioner and the same is dated as 08th July, 2020. This itself shows that order of suspension is under political pressure.

2. Mr. Pulkundwar, learned Counsel for Respondent Nos. 2 and 3 submits that within one week charge-sheet would be filed and suspension is pending enquiry.

3. Suspension of the petitioner is not by way of punishment. Same is pending enquiry. At this stage, it would not be appropriate for us to consider the pros and cons of the allegations made against the petitioner. It is for the enquiry officer to consider the same. As submission is made that within one week charge-sheet would be filed in furtherance of the enquiry, we are not inclined to entertain the petition on merits. The contentions on merits are kept open.

4. In light of above, writ petition is disposed of. No costs. In view of disposal of the writ petition, civil application also disposed of.

(R.G. AVACHAT, J.)

SSD

(S.V. GANGAPURWALA, J.)