

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

WRIT PETITION NO. 6865 OF 2020

Ishratbegum Nizamoddin Sayed ... Petitioner.

Versus

The Chief Executive Officer,
Zilla Parishad, Osmanabad ... Respondent.

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Mr. G.J. Kore, Advocate for the Petitioner.
Mr. S.R. Yadav Lonikar, A.G.P. for State.

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

DATE : 14th OCTOBER, 2020

PER COURT:-

1. Mr. Kore, the learned counsel for the petitioner submits that without any sufficient cause a show cause notice was issued to the petitioner. The petitioner replied the said show cause notice. Without considering the reply and without following the principles of natural justice, the petitioner is suspended under order dated 27.07.2020. According to the learned counsel, the Chief Executive Officer ought not have suspended the petitioner. No further proceedings have also been initiated against the petitioner. The learned counsel submits that the criminal case is not filed against the petitioner.

2. It appears that the suspension is under Rule 3 of the Maharashtra Zilla Parishad District Services (Discipline and Appeal) Rules, 1964. The said suspension is not by way of punishment, but pending departmental proceeding or if criminal case is filed against the petitioner.

3. As the suspension is not by way of punishment, in that event, the question of opportunity of hearing to the petitioner before the Chief Executive Officer does not arise.

4. It appears that it is 2 ½ months, the petitioner is suspended. The petitioner, after the reasonable time, can move the authority for review of his suspension order or in case the departmental enquiry is not proceeded expeditiously, then also the petitioner has right to move for reconsideration of the suspension order.

5. With the aforesaid observations, the writ petition is disposed of.
No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P. Rane