

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

WRIT PETITION NO. 8688 OF 2019

Omprakash Chintaman Shirsath

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Suresh Pandav, Advocate for the Petitioner.

Mr. P. S. Patil, Addl. G. P for Respondent Nos. 1 and 2.

Mr. Sambhaji S. Tope, Advocate for Respondent Nos. 3 and 4.

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

DATED : 04th FEBRUARY, 2020.

PER COURT:-

. Heard Mr. Pandav, learned counsel for the petitioner and Mr. Tope, learned counsel for respondent Nos. 3 and 4.

2. Affidavit is filed by the respondent Nos. 3 and 4. The last paragraph of the affidavit states that the Under Secretary of the Urban Development Department of the State Government has issued letter dated 12.12.2019 to the learned A. G. P. of this High Court. In the said letter it is specifically stated that the petitioner has retired on attaining superannuation on 30.06.2016 and the issue of irregularity is of the year 2015 and as per rule 27 (2) (b) (ii) of the Maharashtra Civil Services (Pension) Rules, 1982, the enquiry against the petitioner is not

permissible. The proposal for not conducting the enquiry against the petitioner is approved at Government level. As on today the proposal not to conduct enquiry against the petitioner has not been sanctioned. It appears that as per the said order no final decision has been taken. At present the apprehension does not subsist. If eventually final decision is not in the interest of the petitioner, then the petitioner may agitate against the same afresh.

3. Writ petition accordingly is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.