

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

WRIT PETITION NO. 7697 OF 2020

Raju Motilal Girbone

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Deepak D. Choudhari, Advocate for the Petitioner.

Mr. S. B. Pulkundwar, AGP for Respondent Nos. 1 to 4.

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

DATED : 25th NOVEMBER, 2020.

PER COURT:-

. The learned counsel for the petitioner submits that the respondent-employer has directed the petitioner to produce validity certificate or else services of the petitioner would be terminated. The salary since three months has not been paid. It is further submitted that the validation proceeding in respect of the tribe claim of the petitioner is pending consideration with respondent No. 2.

2. The learned A.G.P accepts notice for all respondents.

3. The notice impugned in the present petition does not state that the services of the petitioner would be discontinued. It only states that permanency would not be granted. The petitioner need not be

aggrieved by the same.

4. Under letter dated 07.05.2020 the employer has directed the petitioner to produce validity certificate or else the salary would not be disbursed.

5. According to the petitioner the validation proceeding is still pending with respondent No. 2 - committee since May 2019.

6. To get the validation proceeding decided within a stipulated period is not in the hands of the litigant.

7. In the light of that, we pass the following order.

8. The respondent No. 2 – committee shall decide the validation proceeding in respect of the tribe claim of the petitioner expeditiously and preferably within a period of nine (09) months from the date of appearance of the petitioner. The petitioner shall appear before the respondent No. 2 – committee on 21.12.2020 and cooperate in expeditious disposal of the proceeding.

9. The employer shall not take adverse action against the petitioner only on the ground that validation proceeding is pending. The employer shall not withhold the salary of the petitioner only on the ground of pendency of the validation proceeding. The employer may

take further course of action depending upon the judgment that would be delivered by the committee in the validation proceeding.

10. Writ petition is disposed of. No costs.

(R. G. AVACHAT)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

RS.B.