

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10874 OF 2019

Mrs. Alka S. Pawar. ... Petitioner.

V/s.

Ulhasnagar Municipal Corporation and others. ... Respondents.

Mr. Sagar Joshi for the Petitioner.

Mr. Suresh Kamble for the Respondents.

CORAM : NITIN JAMDAR AND
M.S. KARNIK, JJ.

DATE : 21 February 2020.

P.C. :

Heard the learned counsel for the parties.

2. The Petitioner has challenged the orders dated 21 August 2019 and 21 September 2019 issued by the Respondent-Municipal Corporation. The Petitioner is aggrieved by the order of placing the Petitioner under suspension. The Petitioner is also aggrieved by the order of transfer.

3. It is the case of the Respondent- Corporation that the Petitioner was required to be placed under suspension since the

Petitioner was not co-operating with the disposal of enquiry proceeding. While it was the contention of the Petitioner that notices of enquiry were not served on the Petitioner. In view of this limited controversy, we had given time to the learned counsel for the parties to take instructions.

4. Today, the learned counsel for the Respondent-Corporation states that he has received communication dated 20 February 2020 from the Respondent- Corporation and that if the Petitioner attends the enquiry and co-operates for its early disposal, the order of suspension will be revoked. The learned counsel for the Petitioner, on instructions, states that the Petitioner will attend the enquiry on the dates assigned by the Enquiry Officer and co-operate for the early disposal of enquiry proceeding. Statements are accepted.

5. The Petitioner will, accordingly, give an undertaking to Respondent No.2- Commissioner within a period of one week from today. As regards the grievance of the Petitioner regarding order of transfer and posting is concerned, we leave it to the Petitioner to make appropriate representation to the Respondent- Corporation which the Respondent- Corporation will consider as per law.

6. Accordingly, we pass the following order by consent.

(a) The Petitioner will give an undertaking to Respondent No.2 within a period of one week from today that she will attend the enquiry on the dates assigned.

(b) The Petitioner will appear before the Enquiry Officer on 2 March 2020 when further date will be given to the Petitioner. The Petitioner will also give address for correspondence to the Enquiry Officer and contact details for further notification.

(c) Upon receipt of the undertaking as above from the Petitioner, the Respondent- Corporation shall withdraw the order of suspension.

(d) If any representation is made by the Petitioner in respect of order of transfer/ posting, the Respondent- Corporation will decide the same on its own merits in accordance with law.

7. Writ Petition is disposed of in the above terms.

(M.S. KARNIK, J.)

(NITIN JAMDAR, J.)