

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 2358 OF 2020

(Shri Vinod s/o Govindraoji Mendhe vs. The State of Maharashtra thr. its Secretary,
Department of Home, Mumbai & Anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri G.G. Bade, Advocate for the petitioner.
Shri B.M. Lonare, AGP for the respondents.

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**CORAM : DIPANKAR DATTA, CJ. &
Z.A. HAQ, J.
NOVEMBER 04, 2020.**

P.C.

The petitioner is a Home Guard, who was placed under suspension with effect from 03rd November, 2019 in contemplation of departmental proceedings. It is not in dispute that the charge sheet has been issued and served on the petitioner.

Challenging the order of suspension, the petitioner approached this Court by filing Writ Petition (Stamp) No. 5530 of 2020. The said writ petition is pending.

This is the second round of litigation at

the instance of the petitioner, whereby he seeks a direction to the respondents to consider his representation dated 15th February, 2020, by which he has sought for revocation of the order of suspension.

Mr. Bade, learned Advocate for the petitioner prays for an order in terms of prayer clause (i) of the writ petition.

Mr. Lonare, learned Assistant Government Pleader for the respondents contends that in view of the pendency of the earlier writ petition at the instance of the petitioner challenging the order of suspension, this writ petition is not maintainable.

Reacting to the aforesaid objection raised by Mr. Lonare, Mr. Bade submits that the petitioner shall not press Writ Petition Stamp No. 5530 of 2020 and he would be satisfied if this writ petition is disposed of with an order being passed in terms of prayer clause (i) of the writ petition.

Having heard learned Advocates for the parties, we dispose of this writ petition by directing the District Commandant Officer, Home Guards, Gondia, to decide the representation dated 15th

February, 2020 in accordance with law as early as possible but preferably within a period of four weeks from the date of receipt of a copy of this order.

Needless to observe that, if the petitioner's prayer is not accepted, the District Commandant Officer shall pass a reasoned order and communicate the same to the petitioner.

In view of the submission of Mr. Bade, we dispose of Writ Petition (Stamp) No. 5530 of 2020 for non prosecution. A copy of this order shall be placed in the file of Writ Petition (Stamp) No. 5530 of 2020.

There shall be no order for costs.

(Z.A. HAQ, J.)

(CHIEF JUSTICE)

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