

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH : NAGPUR****WRIT PETITION NO. 3552 OF 2020**

Rajesh Sukhadeorao Rakhonde

vs.

Divisional Commissioner, Amravati Division and others

Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P. S. Patil, counsel for the petitioner.
Ms. T. H. Khan, AGP for respondent No.1.

CORAM : MANISH PITALE J.**DATED : 21/12/2020**

Heard learned counsel for the petitioner.

2. By this writ petition, the petitioner has challenged an order dated 15/12/2020, whereby the respondent No.1 Divisional Commissioner has rejected stay, while admitting the appeal filed by the petitioner. Subject matter of appeal before the respondent No.1 Commissioner is an order dated 09/12/2020 passed by the respondent No.2 i.e. Chief Executive Officer, Z. P. Amravati. It is contended on behalf of the petitioner that the order prima facie is unsustainable and in violation of position of law laid down by this Court. It is submitted that the Commissioner ought to have granted interim stay while considering the appeal filed by the petitioner.

3. This Court has perused the material on record. It appears that the petitioner has been contesting the actions of the respondent No.2 since the year 2018 pertaining to imposition of penalty and /or issuance of transfer orders, which according to the petitioner are violative of the settled position of law.

4. This Court has perused the material on record. The impugned order itself states that from the date of the order, the petitioner has been relieved from the place of his current posting.

5. Since the appeal filed by the petitioner is pending before the respondent No.1 Commissioner on merits, this Court is refusing to entertain any submission in that regard. Insofar as interim order is concerned, although it would have been better that respondent No.1 Commissioner had recorded the reasons for rejecting the prayer for stay, this Court is of the opinion that it would be in the best interest of the parties that the appeal itself is decided immediately by the Commissioner.

6. Hence, this Writ Petition is disposed of, without interfering in the impugned order. At the same time, it is directed that the respondent No.1 Commissioner shall take up the appeal filed by the petitioner immediately for consideration and decide the same in any case on or before 18/01/2021. It is made clear that no further extension of time for deciding the appeal shall be granted.

7. It is further made clear that the impugned order dated 09/12/2020, shall be subject to the final result of the appeal filed by the petitioner before respondent No.1 Divisional Commissioner.

8. Writ Petition is stands disposed of.

JUDGE

KOLHE/PA.