

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

WRIT PETITION NO. 9720 OF 2021

Samarth Namdeo Kalbone

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Sandip C. Swami Chakurkar, Advocate for the Petitioner.

Mr. K. N. Lokhande, AGP for Respondent Nos. 1 to 4.

**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 02nd September, 2021.

PER COURT:-

. The validation proceeding in respect of the tribe claim of the petitioner is pending. On the ground that the petitioner has failed to submit the validity certificate, one increment of the petitioner has been withheld.

2. We have heard the learned counsel for the petitioner and learned A.G.P. for all respondents.

3. The petitioner had earlier filed Writ Petition No. 7823 of 2017. Under order dated 20.06.2017, this Court directed the committee to scrutinize and verify the claim of the petitioner expeditiously. The validation proceeding is still pending.

4. The learned A.G.P. submits that the same is at the stage of vigilance.
5. To get the proceeding decided within the stipulated period is not in the hands of the litigant. In the proceeding for verification of the tribe claim the role of the petitioner would come after the vigilance is completed.
6. In the light of the above, we pass the following order.
7. The petitioner shall appear before the scrutiny committee on 15.09.2021 and shall co-operate in expeditious disposal of the proceeding.
8. The committee shall endeavour to decide the proceeding within a period of six (06) months from the date of appearance of the petitioner.
9. The impugned order withholding one increment is quashed and set aside.
10. The respondents may not take adverse action against the petitioner only on the ground that validation proceeding is pending.
11. The employer may take further course of action depending upon

the judgment that would be delivered by the committee in the validation proceeding.

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

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.