

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.3636 OF 2013
WITH
CIVIL APPLICATION NO.12546 OF 2021
IN
WRIT PETITION NO.3636 OF 2013

KIRAN RAMKISHAN WAGH

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Sushant C. Yeramwar, Advocate for the
Petitioner.

Mr. S. B. Pulkundwar, AGP for Respondents-State.

Mr. A. B. Tele, Advocate for Respondent No.2.

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

DATED : 26th NOVEMBER, 2021.

PER COURT:-

1. Heard learned counsel for petitioner and
the learned A.G.P.

2. Amongst other submissions one of the
submission made by the learned counsel for
petitioner is that, order passed by the Committee
is ex-parte. The petitioner received only one
notice on 21.03.2013. On that date the petitioner
sought adjournment. However, adjournment was not
granted and the matter was decided.

3. The learned A.G.P. submits that, ample
opportunities were given to the petitioner to
remain present before the Committee. The Committee
on 5 to 6 occasions had adjourned the matter.

4. We have gone through the judgment delivered by the Committee. It appears that, earlier notices were issued. The contention of the petitioner is that, same were not received by the petitioner. The said notices were served to the earlier employer.

5. Be that as it may, the petitioner was telephonically intimated to remain present on 16.02.2013. On that day, the petitioner remained absent. Thereafter fresh notice was given to the petitioner on 21.03.2013. On 20.03.2013 the petitioner filed an application seeking adjournment and remained absent on 21.03.2013.

6. It cannot be said that, opportunity was not given to the petitioner. Atleast on two occasions, petitioner was aware of the date and was absent and/or sought adjournment.

7. Considering the fact that, the matter involved social status of the petitioner, we are inclined to grant one more opportunity to the petitioner to appear before the Committee. The petitioner also deserves to be mulct with cost.

8. In light of that, we pass the following order:

ORDER

A. The impugned order is quashed and set aside on condition that, petitioner deposits cost of Rs.25,000/- (Rs.Twenty Five Thousand Only) with the

Committee on or before 12.01.2022. The petitioner shall appear before the Committee on 12.01.2022 and shall cooperate in expeditious disposal of the proceeding. The Committee shall thereafter, decide the proceedings within a period of four months from the date of appearance of the petitioner.

B. In case, petitioner does not cooperate, then the Committee can proceed ahead with the matter. If petitioner wants to rely on the additional document, the same shall be produced on 12.01.2022.

9. Writ Petition is disposed of. No costs.

10. In view of disposal of writ petition, civil application is also disposed of.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE