

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7364 OF 2020

Archana D/o Prakash Mitke

...Petitioner

Versus

The State of Maharashtra and others

...Respondents

Mr G.K. Chinchole, Advocate holding for
Mr S.M. Vibhute, Advocate for Petitioner
Mr P.K. Lakhotiya, AGP for Respondent Nos. 1 to 3 and 7
Mr S.R. Bagal, Advocate for Respondent No. 4 and 5

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 3rd MARCH, 2021

PER COURT :

1. The petitioner impugns the order, thereby stopping the salary of the petitioner.
2. The impugned order is passed on the ground that validity certificate is not yet submitted.
3. We have heard the learned counsel for the petitioner, the learned counsel for the respondents and the learned Assistant Government Pleader.
4. The petitioner had earlier filed writ petition stamp bearing (Stamp) No. 11318/2020. This Court under judgment and order dated 6th July, 2020 disposed of the writ petition directing the Committee to decide

the validation proceeding expeditiously and also restrained the employer from taking further action against the petitioner.

5. The employer has again issued impugned communication, thereby stopping the salary of the petitioner on the ground that the validity certificate is not submitted.

6. To get the validation proceeding decided within the stipulated period is not in the hands of the litigant, and precisely, we observed the same while passing the judgment and order dated 6th July, 2020 in the earlier writ petition bearing (Stamp) No. 11318/2020 filed by the petitioner. In fact, the respondents ought not to have issued the impugned communication in view of the order passed by this Court earlier.

7. The impugned order is quashed and set aside.

8. The respondent Nos. 4 to 6 shall not take adverse action against the petitioner only on the ground that the validation proceeding is pending.

9. The learned Assistant Government Pleader submits that the Committee has proceeded further with the validation proceeding and the arguments of the parties have been heard by the Committee.

10. The learned counsel for the employer submits that the salary bills are submitted and the salary is being paid to the petitioner.

11. The respondents may take further course of action depending upon the judgment that would be delivered by the Committee in the validation proceeding.

12. The writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

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