

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

990 WRIT PETITION NO.9182 OF 2021

NIKHIL RAMKRUSHAN WARDEKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Digambar B. Shinde.

AGP for Respondent/State: Mrs. M. A. Deshpande.

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

DATE : 21st August, 2021.

P.C.:

. The petitioner is placed on supernumerary post for the second time. Initially, when the petitioner was placed on supernumerary post, he approached this Court by filing Writ Petition No.7853 of 2020. This Court under order dated November 27, 2020, allowed the writ petition quashing the order placing the petitioner on supernumerary post and directing the Scrutiny Committee to decide the proceeding within six months. As the proceedings are not decided within six months, the petitioner is again placed on supernumerary post.

2 The learned AGP accepts notice for all the respondents.

3 It is not the fault of the petitioner in the proceeding not being decided by the Committee.

4 The validation proceedings are still pending. As per the contentions of the petitioner, vigilance is not yet conducted. Until the vigilance is conducted, the petitioner has no role to play.

5 In light of that, the impugned order is quashed and set aside.

6 The petitioner shall appear before the Committee on 8th September, 2021.

7 The Committee may endeavour to decide the proceeding within six months from the date of appearance of the petitioner.

8 If the proceedings are not decided within six months, then the Court would view the act of the respondents as a contempt of the orders of this Court.

9 We are constraint to observe this because earlier directions of deciding the proceedings within six months are also not adhered to by the Committee.

10 The respondents may not take adverse action against the petitioner only on the ground that the validation proceeding is pending.

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

12 The writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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