

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

1029 WRIT PETITION NO.10821 OF 2021

**AMOL DADASAHEB JEVE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

...
Advocate for Petitioner : Mr. S.S. Thombre h/f. Mr. A.V. Thombre
Addl GP for Respondents State : Mrs. M.A. Deshpande

...
**CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, JJ.**
DATED : 08/10/2021.

PER COURT :

. Mr. Thombre, learned advocate for the petitioner submits that notice has been issued to the petitioner by respondent No. 4 - CEO, Zilla Parishad, Raigad. The notice is of final punishment.

2. According to the learned counsel, the present petitioner had initially filed original application bearing No. 700/2017. The Tribunal under it's order dated 25.4.20218 passed the following order :-

“17. In the premises discussed in foregoing paras, we reach at following conclusions :-

(a) Cancellation of certificate is a fall out of long

process of litigation and merger and partial modification of report of Justice Palkar Commission in to the order of Hon'ble Supreme Court's decision rendered in S.L.P. Civil Appeal Nos. 10625 to 10636/2013.

(b) Hence, present Original Applications has no merit in so far as challenge to impugned Govt. decision is concerned.

(c) In so far as protection at service of applicants are concerned, present O.As. are premature.

(d) The Government/appointing authority as to take decision regarding issuing of notices to the applicants, giving them reasonable time to reply, consider each individuals' reply and take decision thereafter.

(e) The step of issuing notice of show cause and hearing be completed within three months to prevent the Treasury being defrauded through salaries of unauthorized entrants in Government service unless for any other legal grounds the nominees are found eligible for absorption, retention in the employment of the Government.

(f) Applicant's prayer for protection of their service is concerned is left open being, premature."

3. The Tribunal has observed that the Government / appointing authority has to take decision regarding issuing of notices to the applicants, giving them reasonable time to reply,

consider each individuals' reply and take decision thereafter.

4. Mr. Thombre, learned advocate submits that the petitioner has filed reply to the notice. Naturally as per the order of Tribunal referred to above, the appointing authority has to consider the petitioner's reply and thereafter, take decision. The said order would be binding upon all the parties.

5. With the aforesaid clarification, the petition is disposed of. All contentions on merits are kept open. Naturally the appointing authority has to take independent decision.

6. Writ petition is disposed of. No costs.

[R.N. LADDHA, J.]

[S.V. GANGAPURWALA, J.]

ssc/