

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1048 WRIT PETITION NO.11371 OF 2021

DAMODHAR PANDURANG GHORPADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr.S.D. Irale Patil
AGP for Respondent/State: Mr.S.B. Pulkundwar
Advocate for respondent no.3 : Mr.S.S. Tope

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

DATE : 16th NOVEMBER, 2021

PER COURT :-

Mr.Irale Patil, learned counsel for the petitioner submits that the petitioner is suspended on 20th September, 2021 w.e.f. 1st September, 2021. According to the learned counsel, the petitioner was behind bars for less than 48 hours. The respondent can suspend the petitioner only for a period for which the petitioner was behind bars and in custody. According to the learned counsel, the suspension is bad in law.

2. Mr. Tope, the learned counsel for respondent no.3 submits that the petitioner is suspended by invoking the provisions of section 3(1)(b) of the Maharashtra Zilla Parishads District Services (Discipline & Appeal) Rules,

1964. The learned counsel further submits that the review committee is required to review the order of suspension after three months. The three months would be over on 1st December, 2021.

3. Considering the fact that the suspension order is passed invoking rule 3(1)(b) of the Rules, 1964 and that the review committee may take review after lapse of three months, we pass the following order :-

ORDER

(i) The Review Committee shall take decision on review of suspension order passed against the petitioner within 15 days after 1st December, 2021.

(ii) Depending upon the decision taken by the Review Committee, the parties may take further steps.

(iii) Writ Petition is disposed of. No costs.

(R.N. LADDHA, J.)

(S.V. GANGAPURWALA, J.)