

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

1020 Writ Petition No.14511 Of 2021

Keshav Balu Shirole

.. Petitioner

Versus

The State of Maharashtra
Through The District Collector,
Ahmednagar and Another

.. Respondents

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Advocate for the Petitioner : Mr. Vithal H. Dighe and Mr. S.S.Wagh
Addl. G.P. for the Respondents / State : Mr. P.S. Patil

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**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.**

DATE : 21-12-2021

PER COURT :

1. Heard Mr. Dighe, learned Advocate for the petitioner.
2. The learned Advocate submits that the Enquiry Officer has exonerated the petitioner, still the Disciplinary Authority has issued a show cause notice as to why the petitioner should not be compulsorily retired. The petitioner has filed Original Application before Maharashtra Administrative Tribunal. The petitioner prayed for stay to the proceeding pursuant to the show cause notice. The same is rejected.

3. According to the learned Advocate, the enquiry against the Higher Officer is also conducted. The same allegations are against him. However, the Disciplinary Authority has taken a lenient view while issuing the show cause notice to the Higher Officer.

4. We have heard the learned AGP.

5. Show cause notice only gives the proposed punishment that the disciplinary authority intends to impose. The petitioner has an opportunity to file reply to the show cause notice and bring all the relevant facts to the notice of the disciplinary authority. The disciplinary authority naturally is required to consider reply filed by the petitioner and all the points raised by the petitioner and then only will take a final decision pursuant to the show cause notice.

6. In light of that, it is not appropriate to pass any further orders at present.

7. Another contention of the learned Counsel for the petitioner is that the petitioner was only given 7 days time to file reply to show cause notice. We grant 10 more days time to the petitioner to file

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reply to the show cause notice. The said reply shall be considered by the disciplinary authority before passing the order pursuant to the show cause notice.

8. With these observations, the Writ Petition is disposed of. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

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