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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5497 OF 2021

Nitin Vitthal Chavan and Ors.

... Petitioners

Versus

The State of Maharashtra and Ors.

... Respondents

Mr. J. G. Reddy for the Petitioners.

Mr. N. K. Rajpurohit, AGP for the Respondent Nos. 1 to 4.

**CORAM: R. D. DHANUKA AND
R. N. LADDHA, JJ.**

DATE : 9th DECEMBER, 2021.

P.C. :-

. Rule. Mr. Rajpurohit, learned AGP waives service for the respondent nos. 1 to 4. By consent of parties, petition is heard finally.

2. By this petition filed under Article 226 of the Constitution of India, the petitioners are seeking writ of certiorari for quashing and setting aside the impugned order dated 31st August, 2021 passed by the respondent no.4 thereby suspending the petitioners' from their respective services.

3. It is the case of the petitioners that though the transfer of the petitioners to Nagpur was stayed by this Court, the petitioners were directed to carry out survey during the pandemic period in Solapur District by order dated 15th June, 2021. When the petitioners raised protest against the said order, the services of the petitioners were

suspended by order dated 31st August, 2021 annexed at Exhibit 'CC' to the petition by respondent no.4. The petitioners thus filed this petition on various grounds.

4. Mr. Rajpurohit, learned AGP for the State invited our attention to the stand taken by the State Government in paragraphs nos. 3 and 4 of the affidavit and would submit that this writ petition shall not be entertained by this Court on the ground that an alternate remedy is available to the petitioners under Government Resolution dated 3rd October, 2017 for redressal of the grievance of the petitioners. He submits that the said Grievance Redressal Cell is available for hearing the petitioners on the complaint, if any. He submits that the further remedy is available by way of First Appeal before Director, VJNT, OBC and SBC Welfare M.S. Pune.

5. In our *prima-facie* view, the order of suspension of services of the petitioners is illegal. Be that as it may, in view of the plea of the alternate remedy raised by the respondents, we direct the petitioners to file a grievance for seeking redressal of the petitioners against the said order of suspension before the Regional Deputy Commissioners, Social Welfare Department, Pune Division within one week from today. If the said grievance is filed, the authority shall dispose of the said grievance within the time proscribed. The petitioners, if aggrieved by the order that would be passed, would be at liberty to file appeal before the Director, VJNT, OBC and SBC Welfare M.S. Pune within 15 days from the date of the passing the order that would be passed by the Regional Deputy Commissioners. The order that would be passed by the two

authorities, shall be communicated to the petitioners within one week from the date of passing such orders.

6. The impugned order dated 31st August, 2021 annexed at Exhibit 'CC' collectively passed by the respondent no.4 shall remain stayed till the grievances of the petitioners are decided by the Regional Deputy Commissioners and the Appellate Authority and for a period of three weeks from the date of communicate of the order, if the same is adverse against the petitioners.

7. Writ Petition is allowed in aforesaid terms. Rule is made absolute accordingly. There shall be no order as to costs.

8. Parties to act on an authenticated copy of this order

[R. N. LADDHA, J.]

[R. D. DHANUKA, J.]