

Versus

Managing Director, Maharashtra State

Electricity Distribution Co. Ltd. & Ors. ... Respondents

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Mr. D.P. Bhongade for the Petitioner.

Ms. Anjali Raghunath Shiledar-Baxi for Respondent Nos.1 to 3.

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**CORAM : K.K. TATED &
R.I. CHAGLA, JJ.**

DATE : 18th FEBRUARY, 2021.

P.C. :-

1 Heard learned Counsel for the parties.

2 By this Petition under Article 226 of the Constitution of India, the
Petitioner is challenging the communication dated 31.12.2019 issued by the
Respondents stating that his services is placed on temporary basis for 11
months as he failed and neglected to place on record the Caste Validity
certificate.

3 The main contention of the Petitioner is that his father was
appointed in open category therefore, there is no question of issuing any

appointment letter in favour of the Petitioner stating that he has to produce the Caste Validity certificate just because he was appointed on compassionate ground. The learned Counsel for the Petitioner further submits that he made a representation dated 08.01.2020 to the Respondents (Annexure G, page 25) which is pending with the Respondents. He submits that the Respondents be directed to decide the said representation on its own merits after hearing the Petitioner.

4 The learned Counsel Ms. Anjali Raghunath Shiledar-Baxi appearing on behalf of the Respondents after taking instructions from her officer, makes a statement that they have no objection to decide the Petitioner's representation dated 08.01.2020 on its own merits after giving personal hearing to the Petitioner. The learned Counsel for the Respondents submits that the Petitioner's representation will be decided by Mr. Shivaji Indalkar, Chief General Manager (HR) in his office at Prakashgad Bandra (East), Mumbai 400 051.

5 Hence, by consent of both the parties, the following order is passed :

- i) Respondent officer Mr. Shivaji Indalkar, Chief General Manager (HR), office at Prakashgad Bandra (East), Mumbai 400 051, to decide the Petitioner's representation dated

08.01.2020 (Annexure G page 25) after hearing the Petitioner on its own merits within 8 weeks from today.

ii) The Petitioner to remain present before the said Officer on 04.03.2021 at 11.00 a.m. to decide the date of hearing.

iii) The Petitioner is permitted to file additional documents if any, with the said Officer on that date.

iv) Concerned Officer to hear the Petitioner on particular date as per his convenience and decide the Petitioner's representation dated 08.01.2020 on its own merits and inform his decision to the Petitioner in writing.

v) If the decision goes against the Petitioner, Respondents are directed not to take any coercive action against the Petitioner for four weeks thereafter.

vi) Petition stands disposed of accordingly. No order as to costs.

vii) Parties to act upon the authenticated copy of this order.

viii) All contentions of both the parties are kept open.

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Waghmare
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signed by
Waishali S.
Waghmare
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(R.I. CHAGLA, J.)

(K.K. TATED, J.)