IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3153 OF 2020

Surupsing Maharya Kokani ...Petitioner
V/s.
Zilla Parishad Palghar through
Chief Executive Officer and Ors. ...Respondents

Mr. Anilkumar K. Patil for the Petitioner.

Mr. N. C. Walimbe, AGP for the Respondent / State .

Mr. Ajit M. Savagave for the Respondent Nos.1 and 2.

CORAM : NITIN JAMDAR AND
C. V. BHADANG, JJ.

DATE : 23 March 2021

P.C.

. Heard the Learned Counsel for the Parties.

2. The Petitioner was appointed as a Primary Teacher with Zilla Parishad Thane on 15 March 1997 and thereafter, after bifurcation, the Petitioner started working with the Zilla Parishad, Palghar.

3. It is the case of the Petitioner that the Petitioner made a request for transfer and accordingly, by communication dated 5 September 2019, Petitioner was transferred to Zilla Parishad, Nandurbar. It is the case of the Petitioner that Petitioner did not join at Zilla Parishad, Nandurbar in view of communication issued by Zilla Parishad, Nandurbar regarding Standard Code of Conduct. In view of the same, the Petitioner came back to the Zilla Parishad, Palghar and was permitted to sign muster. It is the grievance of the Petitioner that Zilla Parishad, Palghar is not acknowledging them as employee of Zilla Parishad, Palghar.

4. The learned counsel for the Zilla Parishad, Palghar states that it is correct that as on date the Petitioner will have to be treated as employee of Zilla Parishad, Palghar, however, there are certain grounds against on basis of which the Petitioner is liable to be proceeded with a departmental enquiry.

5. As on date, no departmental enquiry is instituted nor the services of the Petitioner are terminated by Zilla Parishad, Palghar. Then Zilla Parishad, Palghar will take necessary steps to treat the Petitioner accordingly and release the admissible monetary benefits / pay. As regard the contention that the Petitioner is liable to be proceeded with departmental enquiry, as an employer, it is always open to Zilla Parishad, Palghar to take necessary steps in that regard as per law. The Petitioner will be

permitted to join the duty within two weeks. The Writ Petition is accordingly disposed of.

(C. V. BHADANG, J.) (NITIN JAMDAR, J.)