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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.262 OF 2020
WITH
INTERIM APPLICATION NO.3205 OF 2020**

Shri Jaysing Ramchandra Kadam
and Anr.

..... Appellants.

V/s

Uday Parshuram Renake and Others

..... Respondents.

Mr. Susheel Mahadeshwar a/w Ranjana Todankar for the Appellants.

Mr. Amrut Joshi a/w Mr. Suyash Gadre, Mr. Abhishek Thoke for
Respondent Nos. 1 to 6.

Mr. M.S. Paranjape for Respondent No.7.

Mr. Swaraj S. Jadhav for Respondent Nos. 8 and 9.

CORAM: NITIN W. SAMBRE, J.

DATE: JULY 28, 2021

P.C:-

1] The order impugned is passed in exercise of powers under Section 41E of the Maharashtra Public Trusts Act, 1950 which is questioned at the behest of the employees/Appellants who are working as Clerk and Headmaster in the Educational Institution managed by the Trust.

2] The learned Counsel for the Appellants would invite attention of this Court to the body of the impugned order, particularly reasoning part, so as to substantiate his contention that the conclusion is drawn without any appropriate reasons. According to him, there is no connection with the conclusion ordered with that of reasoning. He would further claim that there are hardly any reasons furnished in support of the order impugned and that being so, order impugned is not sustainable being contrary to the scheme of Section 41E of the Act.

3] Though Counsel for Respondents has tried to justify the order impugned, however, they are in agreement that the order impugned can be set aside by consent and parties can be relegated to Joint Charity Commissioner, Greater Mumbai Region, Mumbai.

4] There appears to be substance in the submissions of the learned Counsel for the Appellants as I hardly see any convincing

reasons which support the conclusion drawn by the Joint Charity Commissioner in the order impugned. The least that was expected of the Joint Charity Commissioner was to record satisfaction in the backdrop of the requirement under Section 41E of the Maharashtra Public Trusts Act, which is conspicuously absent in the order impugned. Rather, the order impugned is too vague to understand and lacks appropriate reasoning in support of the conclusion. That being so, the order impugned dated 10th February, 2020 passed by the Joint Charity Commissioner in proceedings being Application No.593 of 2019 is hereby quashed and set aside. The said proceedings stand restored to the file of the Joint Charity Commissioner, Greater Mumbai Region, Mumbai.

5] Parties hereto agree that all of them shall appear before the Joint Charity Commissioner, Greater Mumbai Region, Mumbai on 23rd August, 2021, if required with written notes of arguments and documents, if any. This Court expects the Joint Charity

Commissioner to decide the said application expeditiously and, in any case, by 28th October, 2021.

6] Appeal stands allowed in the above terms. As a consequence of disposal of appeal, Interim Application taken out therein also stands disposed of.

(NITIN W. SAMBRE, J.)