

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

20 WRIT PETITION NO.3983 OF 2022

MADHUKAR BHIMSING CHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. Madhur A. Golegaonkar, Advocate for the
petitioner

Mr. S. G. Sangle, AGP for the respondents/State

CORAM : RAVINDRA V. GHUGE &
ANIL L. PANSARE, JJ.

DATE : 27th June, 2022

P. C.

1. The petitioner prays that his caste validation proceedings as Thakur Scheduled Tribe be concluded within a time frame. The notice dated 25-02-2022 issued by Zilla Parishad, Pune, informing him that as he has not submitted his caste validity though he has been appointed on 25-01-1999, his service is switched over to a supernumerary post for a period of 11 months or

till such date on which he superannuates, whichever is earlier.

2. We considered the submissions of the learned advocate for the petitioner and the learned AGP.

3. This petitioner was before us in writ petition No. 7552/2020 seeking direction to the committee to decide his claim within a time frame. This court, vide order dated 18-12-2020 has observed in paragraph Nos. 3 to 5 as under:-

"3. The committee shall decide the validation proceedings in respect of the tribe claim of the petitioner preferably within a period of nine months from the date of appearance of the petitioner before it.

4. The petitioner shall appear before the committee on 11-01-2021. The petitioner shall cooperate in early disposal of the proceedings.

5. The employer shall not take adverse action against the petitioner only on the ground that validation proceeding is pending. The employer can take further course of action depending upon the judgment that would be delivered by the committee in the validation proceedings."

4. The present notice dated 25-02-2022, has been issued without issuing any show cause notice to the petitioner.

5. The learned AGP submits that the petitioner can appear on a particular date so as to expedite the proceedings.

6. The learned advocate for the petitioner submits that vigilance enquiry has been completed and he is willing to appear on a particular date. He, however, prays that because of the impugned

order which is passed in contravention of the directions of this court at paragraph No. 5 in the order dated 18-12-2020 reproduced above, the petitioner will have to work on a consolidated pay which would cause severe hardships to him.

7. In view of the above, this petition is disposed off with the following directions:-

a] The petitioner shall appear before the committee on 11-07-2022 at 12.00 noon. Thereafter, he would abide by the dates of hearing as may be granted by the committee.

b] The committee shall ensure that the proceedings will be concluded and an order will be passed on or before 13-11-

(5)

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2022, in view of the fact that the petitioner's service is continued till 25-01-2023 by virtue of the impugned order.

d] Considering the earlier order passed by this court, the petitioner's salary shall be protected till the decision of the committee, on or before 30-11-2022, whichever is earlier.

[ANIL L. PANSARE, J.]

[RAVINDRA V. GHUGE, J.]

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