

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.4692 OF 2022 IN WP/2264/2022

PARMESHWAR SHRIRANG NAIKWADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. Hanumant P. Jadhav
AGP for Respondent No.1 - State : Mr. A. R. Kale
Advocate for Respondents No.2 and 3 : Mr. S. S. Tope
...

CORAM : R. D. DHANUKA &
S. G. MEHARE, JJ.

DATE : 22-04-2022

PER COURT :-

By this civil application, the applicant prays for setting aside the communication dated 24.02.2022 issued by the respondent no. 3 thereby directing the applicant to deposit 50% amount one time considering the retrospective effect of suspension order.

2. Notice is issued during pendency of writ petition filed by the petitioner praying for issuing writ of certiorari for quashing and setting aside the impugned order dated 24.11.2021 rejecting the proposal of petitioner for voluntary retirement and order of suspension dated 11.01.2022.

3. We grant leave to amend the writ petition.

4. The applicant to carry out amendment in the writ petition in respect of impugned communication/notice dated 24.02.2022. Amendment to be carried out within one week from today.

5. Amendment shall also be carried out in the copies supplied to the respondents.

6. We have heard the learned A.G.P. for respondent no.1 - State and the learned counsel appearing for respondents no. 2 and 3.

7. Since the petition for grant of other reliefs is pending and during the pendency of said writ petition, respondent no. 3 has issued notice of recovery of amount, we pass the following order -

- (i) Respondent no. 3 shall not take any coercive steps against the petitioner for implementing the impugned communication dated 24.02.2022 till next date in the writ petition.
- (ii) Respondents would be at liberty to file affidavit-in-reply in the writ petition within four weeks from the date of amendment made in the copy of writ petition. The applicant would be at liberty to file affidavit of rejoinder, if any, within two weeks thereafter.

8. Place the writ petition on board for 'admission' on 27.06.2022, high on board.

9. Civil application is disposed of in above terms. No order as to costs.

(S. G. MEHARE)
JUDGE

(R. D. DHANUKA)
JUDGE

rrd