

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.14875 OF 2019

**VITTHALRAO NANASAHEB JOGDAND AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Mr A. A. Khande, Advocate for petitioners;
Mr A. A. Jagatkar, A.G.P. for respondent Nos.1 to 4 & 6
Mr B. N. Patil, Advocate for respondent No.5

CORAM : SMT. BHARATI DANGRE, J.

DATE : 16th February, 2022

PER COURT:

1. In furtherance of the order dated 10/12/2019, where the Enquiry Officer was directed to conclude the enquiry and keep the report of the enquiry in sealed envelop, the Enquiry Officer cum Special Auditor Class-II, Co-operative Societies, Aurangabad (Respondent No.4), has tendered his report to this Court on 01/02/2022 through the learned A.G.P.
2. Upon receipt of the report, a request is made by the learned Counsel for the petitioners to make available the copy.
3. Today, the report forwarded in the sealed envelope is unsealed and on it's perusal, the conclusion drawn by the Enquiry Officer at page Nos. 103 to 105 is perused.

4. On perusal of the said report, it can be discerned that on 13 points under which the enquiry was conducted, the Enquiry Officer has given his comments and in some of the charges, he had recorded a finding that the same are not proved. The Enquiry Officer has further concluded that in respect of those charges, where administrative lapses are noticed, appropriate action is directed to be initiated against the then Management Committee in terms of the provisions of Maharashtra Co-operative Societies Act, 1960.

5. Since, now the report of enquiry has been submitted, it is open for respondent No.5 to challenge the said conclusions, contained in the enquiry report, which will have to be done by filing a revision under Section 154 of the Maharashtra Co-operative Societies Act, 1960.

6. Reserving the said liberty to respondent No.5, the writ petition, where the petitioners made a grievance that the earlier revision was allowed without affording any opportunity of hearing to the petitioners, do not survive and deserves to be disposed of.

(3)

Accordingly, aforesaid liberty is reserved in favour of respondent No.5 as well as the petitioners, in case they feel aggrieved by the findings of the enquiry.

The copy of the enquiry report shall be tendered to the learned A.G.P. Needless to state that, since the sealed envelope is now opened, the Enquiry Officer shall also forward the copy of the enquiry report to the members of the Management Committee as well as to respondent No.5.

Enquiry report shall be served upon the concerned parties within a period of two weeks from today.

The learned A.G.P. to communicate this order to the concerned parties.

The writ petition is disposed of.

(SMT. BHARATI DANGRE, J.)

sjk