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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8723 OF 2022**

Prabhakar Thakuji Burse

.... Petitioner.

V/s

Chief Executive Officer,
Zilla Parishad, Pune and Ors.

..... Respondents.

Mr. Akshay R. Kapadia for the Petitioner.

Mr. P.V. Nelson Rajan, AGP for Respondent No.2.

CORAM: NITIN W. SAMBRE, J.

DATE: AUGUST 18, 2022

P.C.:-

1] Contentions of Counsel for the Petitioner are, apart from merits of the matter, Revision preferred before the State Government under Section 21 of the Maharashtra Zilla Parishad District Service (Discipline and Appeal) Rules, 1964 (For short “said Rules”) was heard on 26/9/2017 and order was delivered after almost six months i.e. on 23/3/2018 which amounts to denial of opportunity of hearing.

2] Learned AGP would support the order impugned as according to him there are concurrent findings and this Court should be slow in causing interference.

3] I have appreciated submissions.

4] From the order impugned dated 23/3/2018 passed by the State Government, what can be noticed is, order of Chief Executive Officer passed on 18/2/2016 and confirmed by Additional Commissioner on 23/6/2017, was challenged. Amongst other ground raised was, Chief Executive Officer has not offered an opportunity of hearing.

5] As far as proceedings before State Government are concerned, which has led to passing of the order impugned dated 23/3/2018, it can be noticed from the observations made in para 2 by the State Government (Minister) that the matter was heard on 26/9/2017 and the order was delivered on 23/3/2018. As such, it is apparent that the order was delivered almost after a period of six months from the date of hearing.

6] In that view of the matter, order impugned suffers from violation of principles of natural justice as such delayed order amounts to denial of hearing.

7] As such, order impugned dated 23/3/2018 is hereby quashed and set aside. Proceedings initiated by the Petitioner pursuant to the provisions of Rule 21 of the said Rules before the State Government stood restored to the file and same be decided in accordance with law.

8] Petition stands partly allowed in the above terms.

(NITIN W. SAMBRE, J.)