

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2684 OF 2022

Satish s/o Manoharrao Yeole, Arjun Nagar, Shete Layout, Katol, Nagpur

-vs-

State of Maharashtra, Thr. Its Director of Marketing, New Administrative Building, Pune and
ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri O. A. Ghare, Advocate for petitioner.

Ms K. R. Deshpande, Assistant Government Pleader for respondent
Nos.1 to 3.

Shri R. D. Bhuihar, Advocate for respondent No.4.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : June 22, 2022

Rule. Rule made returnable forthwith and heard finally
with consent of learned counsel for the parties.

The petitioner was appointed on the post of Secretary at
the respondent No.4-Market Committee on 27/01/2016. On
07/02/2022 a proposal seeking approval to the appointment of
the petitioner on the post of Secretary was forwarded to the
Director of Marketing Committee along with the
recommendation of the District Deputy Registrar, Nagpur.
When the said proposal was pending before the Director of
Marketing Committee, the services of the petitioner were put to
an end on 07/05/2022 on account of alleged illegalities. By this
writ petition the petitioner has challenged his removal from the

post of Secretary and has also prayed that the Director of Marketing Committee be ordered to decide the proposal dated 07/02/2022.

2. Today pursis has been filed by the respondent No.4-Marketing Committee in which it has been stated that the Chairman, Agriculture Produce Market Committee, Narkhed is willing to withdraw the order dated 07/05/2022 and thereafter conduct an enquiry if the petitioner is to be removed from the post of Secretary.

3. In this backdrop it is submitted by the learned counsel for the petitioner that the proposal dated 07/02/2022 could be directed to be decided by the respondent No.2 since that adjudication would have bearing on the legal rights of the petitioner. He also submits that since December 2021 the petitioner has not been paid salary and hence the Market Committee be directed to pay him the same. The learned counsel for the Market Committee on the other hand submits that it intends to hold an enquiry against the petitioner and it may be permitted to do so. In this backdrop, the following order is passed :

- (i) The statement made on behalf of respondent No.4 in its pursis dated 21/06/2022 is accepted and the order dated 07/05/2022 removing the petitioner from the post of Secretary stands withdrawn by the respondent No.4.
- (ii) The respondent No.2 shall decide the proposal dated 07/02/2022 seeking approval to the petitioner's appointment on the post of Secretary within a period of four weeks from receipt of this order.
- (iii) Subject to respondent No.4 paying arrears of salary to the petitioner from December 2021 till 30/06/2022, it will be free to take disciplinary action against the petitioner in accordance with law if it so desires.

With these observations, the writ petition is disposed of.
No order as to costs.

(Urmila Joshi-Phalke, J.)

(A. S. Chandurkar, J.)