

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

Writ Petition No. 3099 of 2021

Mangesh s/o Subhashrao Bhetalu,
Aged about 42 years, Occ. Service,
R/o Paratwada, Tq. Achalpur,
District Amravati.

... Petitioner

.. Versus ..

(1) Agriculture Produce Market
Committee, Achalpur,
R/o Achalpur, Tq. Achalpur,
District Amravati.

(2) District Deputy Registrar of
Co-operative Societies, Amravati,
Office at Kanta Nagar, Amravati,
Tq. & Dist. Amravati.

... Respondents

Mr. P. R. Agrawal, Advocate for the petitioner
Mr. C. A. Babrekar, Advocate for respondent 1
Mr. K. L. Dharmadhikari, AGP for respondent 2

CORAM : ROHIT B. DEO, J.
DATED : 14-1-2022

ORAL JUDGMENT

Rule. Rule made returnable forthwith.

2. The petition is heard finally with consent of learned counsel appearing for the parties.

3. The petitioner is working with respondent 1 as Assistant Secretary. Pending departmental enquiry, the petitioner was issued order of suspension dated 28-12-2020. It is common ground that the Agriculture Produce Market Committee (APMC) is precluded from continuing the extension beyond the period of one month, unless the prior approval of the competent authority is obtained.

4. It is further not in dispute that the last extension for continuation of the suspension for period of one month was obtained on 4-8-2021, and after the period covered by the extension ended on 3-9-2021, no further approval is sought.

5. The learned counsel for the APMC submits that such request for extension of suspension is not made since in the interregnum, the APMC has proposed to dismiss the employee from service. I am not called upon to observe anything on the proposed disciplinary action.

6. I find, from admitted facts, that the suspension of the employee beyond 3-9-2021 is contrary to rules.

7. The respondent 1 - APMC is directed to revoke the suspension of the petitioner and to reinstate him forthwith and to further

pay the employee every consequential benefits within the next one month.

8. Needless to record, that the reinstatement of the employee shall be without prejudice to the right of the respondent 1 – APMC to proceed in its disciplinary domain, in accordance with law.

9. The petition is partly allowed in the aforestated terms.

JUDGE

wasnik