

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

WRIT PETITION NO. 2931/2019

(SUBHASH NAMDEORAO BERAD **VERSUS** THE C.E.O. ZILLA PARISHAD, CHANDRAPUR & ANOTHER)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri PN. Shende, counsel for the petitioner.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.

DATE : OCTOBER 14, 2022.

Heard.

The challenge raised in this writ petition is to the order dated 05.03.2019 that has been passed by the Chief Executive Officer, Zilla Parishad, Chandrapur under the provisions of Rule 4(2) of the Maharashtra Zilla Parishad District Services (Discipline and Appeal) Rules, 1964.

The punishment of treating the period of suspension as period spent under suspension as well as withholding of one increment on permanent basis has been imposed on the petitioner. It is seen that against such order, remedy of filing an appeal under Rule 13/14 of the said Rules is available to the petitioner. Since the statutory remedy is provided therein and no ground has been made out to exercise writ jurisdiction, we are inclined to relegate the petitioner to avail the statutory remedy.

If the petitioner within a period of fifteen days from today prefers such appeal before the Divisional Commissioner the same shall be entertained on merits without going into the question of delay. The appeal if filed be decided expeditiously and preferably within a period of three months from the date of filing of the appeal in accordance with law. All points raised in the writ petition are kept open. The writ petition is disposed of. No costs.

(M.W. CHANDWANI, J.)

(A. S. CHANDURKAR, J.)

APTE

Signed By: Digitally signed
by ROHIT DATTATRAYA
APTE
Signing Date: 14.10.2022 15:06