

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7762 OF 2021

Baban Nivrutti Mane

....Petitioner

V/S

The Secretary

Department of Revenue and Forest & Ors.

....Respondents

...

Mr. Ashok B. Tajane for the Petitioner.

Mrs. Nisha M. Mehra, AGP for Respondent Nos.1, 2 and 3-State.

...

**CORAM: S.V. GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATE : 1st FEBRUARY 2023.

P.C.:

1 Mr.Tajane, the learned Advocate for the Petitioner submits that the Respondent No.4 was suspended. Though he was suspended he continued to be on duty and had also drawn the salary for the period. All these facts had come in the enquiry of the Collector but no action is taken against him. According to the learned Counsel, the Respondent No.4 is a Public Officer and as such the Government has to deal with such person strictly and sternly. A false plea was taken by him that he had not received the order of suspension.

2 At the first place the Petitioner would be a stranger.

3 In service jurisprudence the Petition concerning the service of an employee may not be entertained.

4 The order of suspension was issued with a retrospective effect, the same has been set aside by the Tribunal. It appears that Respondent No.4 is acquitted in the criminal case filed against him. According to the learned Counsel for the Petitioner, the State has filed an Appeal and the same is pending.

5 If the Respondent No.4 has committed any misconduct it is for the employer to take appropriate steps against that person.

6 From the documents on record it appears that even enquiry was conducted against Respondent No.4 and the charge-sheet was also issued against him. In view of that it cannot be said that no steps were taken against that person.

7 In light of the above, no further orders are necessary, the Writ Petition is disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)