

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2631 OF 2023

D. N. Shukla

..Petitioner

Versus

Union of India & Ors.

..Respondents

Mr. Ramesh Ramamurthy a/w Saikumar Ramamurthy, Akhilesh Deshmukh, Kartik Pillai, Seema Sorte & Kavita Anchan, for the Petitioner.
Mr. Neel G. Helekar & Mr. P. Khosla, for the Respondents.

CORAM : S. V. GANGAPURWALA, ACTING CJ &
SANDEEP V. MARNE, J.

DATE : 30th MARCH, 2023

PC.

1. Heard Mr. Ramamurthy, learned advocate for the petitioner and Mr. Helekar, learned advocate for the respondents.

2. Mr. Helekar, learned advocate for the respondents on instructions submits that the petitioner was asked to appear before the appellate authority on 28th March, 2023, however, the petitioner raised objection.

3. According to Mr. Ramamurthy, learned advocate, the procedure is required to be followed viz. UPSC's advises are required to be obtained and the person who was giving hearing is not an appellate authority, but disciplinary authority.

4. It is for the authorities to consider the said aspect.

5. The petitioner shall appear before the appellate authority or may file written arguments on 3rd April, 2023, if the petitioner so desires.
6. The appellate authority shall decide the appeal in accordance with the procedure within six weeks from the date of appearance of the petitioner on its own merits.
7. The petitioner is entitled to raise all the point available to him including competency of the appellate authority.
8. The petition as such stands disposed of in above terms.

[SANDEEP V. MARNE, J.]

[ACTING CHIEF JUSTICE]