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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13353 OF 2022**

Pravin Wasudeo Morey

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

Mr. R. K. Mendadkar a/w Ms. Komal Gaikwad and Jayshri Mendadkar for petitioner.

Mr. P. P. Kakade, Govt. Pleader a/w Mr. M. M. Pabale, AGP for State.

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

DATE: JANUARY 3, 2023

P.C.:

1. The grievance of the petitioner is that though the validation proceeding is pending with respondent no.2/Committee, the impugned communication has been issued refusing to grant service benefits to the petitioner and to place the petitioner on supernumerary post.

2. We have heard the learned AGP also.

3. The learned counsel for the petitioner refers to the order dated 17th January, 2020 in Writ Petition No. 385 of 2020. In the said writ petition, this Court had directed the Committee to decide the proceeding within six months.

4. The learned counsel for the petitioner submits that in spite of the said order, the proceeding is not decided as yet. The petitioner also gave a notice of contempt to the Committee. Vigilance is conducted. However, the copy of the vigilance report is not served upon the petitioner.

5. This Court by order dated 17th January, 2020 in Writ Petition No. 385 of 2020 directed the Committee to decide the proceeding within six months and further directed that till the decision on the petitioner's caste claim is given by the Committee, no coercive action shall be taken against the petitioner on the ground that he has not submitted tribe validity certificate.

6. If the proceeding is still pending, then the impugned communication is improper in the light of the order of this Court dated 17th January, 2020 in Writ Petition No. 385 of 2020.

7. Relying upon the statement of the learned counsel for the petitioner that the validation proceeding is still pending, we pass the following order: -

O R D E R

- (a) The petitioner shall appear before the Scrutiny Committee on 17th January, 2023. On the said date, the petitioner shall obtain the copy of the vigilance report. The petitioner shall file reply to the vigilance report within 15 days of the receipt of the vigilance report. The Committee shall, thereafter, decide the proceeding expeditiously, preferably within three months from the date of appearance of the petitioner before it.
- (b) The petitioner shall cooperate in expeditious disposal of the said proceeding. In case, the petitioner seeks undue adjournments, the Committee is entitled to proceed further in the matter.
- (c) The impugned communication is set aside.

(d) The employer may take further course of action depending upon the judgment that may be delivered in the pending proceeding by the Committee.

8. The writ petition is disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)

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signed by
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DASHARATH
PANDIT
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