

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3986 OF 2023

Rekha V. Solanke
V/S

....Petitioner

The State of Maharashtra
through Principal Secretary,
Department of Revenue and Forest & Ors.

....Respondents

...

Mr. Ashish S. Gaikwad i/b Ms. Vijayta S. Shinde for the Petitioner.
Mrs. R.A. Salunkhe, AGP for Respondent No.1-State.

...

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

DATE : 03 APRIL 2023.

P.C.:

1 We have heard the learned Advocate for the Petitioner.

2 The learned Advocate for the Petitioner submits that the Tribunal has not decided the Original Application on merits and has directed the Petitioner to avail the remedy of Appeal. According to the learned Advocate, the Petitioner had earlier filed Original Application bearing No.797 of 2020. The Tribunal came to the conclusion that there is no discussion on merits of the charges much less reasons. Still the Tribunal remanded the matter. After the remand the Authority passed the same order. The Tribunal ought not to have directed the Petitioner to avail the remedy of Appeal and should have considered the case on merits itself.

3 The Petitioner accepted the order of remand passed by the Tribunal in Original Application No.797 of 2020. After the remand fresh order has been passed by the Disciplinary Authority. The Petitioner has the statutory remedy of Appeal against the same. The Tribunal under its impugned order dated 18 January 2023 in Original Application filed by the Petitioner bearing No.357 of 2022 has observed that the Petitioner has a remedy of statutory Appeal as such did not entertain the Original Application.

4 The Tribunal did not commit any error. The Petitioner has a remedy of Appeal. In case the Appeal is not favorably considered then the Petitioner may avail the further remedy.

5 In case the Petitioner files an Appeal within a period of 15 days from today, the Appellate Authority shall consider the said Appeal to be filed within limitation. All contentions are kept open.

6 The Writ Petition is disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)

SUDARSHAN
RAJALINGAM
KATKAM

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