

jvs

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION**

SALUNKE
JV

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WRIT PETITION NO. 9441 OF 2022

Kashinath Tukaram Mali	}	Petitioner
Versus		
The Chief Executive Officer,	}	
Thane and Ors.	}	Respondents

Mr. Rajesh M. Kolge for the petitioner.

Mr. B. V. Samant, AGP with Mr. P. P. Pujari,
AGP for State.

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

DATE: JANUARY 31, 2023

P.C.:

1. The learned advocate for the petitioner submits that the petitioner has approached the Divisional Commissioner, being the higher officer to the Chief Executive Officer against the order passed by the respondents thereby treating the suspension period of six months as suspension period and not as duty period. According to the learned advocate, similarly situated employee was suspended and upon his acquittal, his suspension period was treated as duty period.

2. The learned AGP appears for respondent no. 3.

3. In case the representation/appeal (at page 46 of the writ petition) is filed by the petitioner and the same is pending with the Divisional Commissioner and if the Divisional Commissioner is competent to decide it, he/she shall decide the same on its own merits and in accordance with law expeditiously, preferably within six months from the date of appearance of the petitioner.

The petitioner may appear before the Divisional Commissioner on 27th February 2023.

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

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)