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

WRIT PETITION NO. 6977 OF 2019

Bhagwat Laxman Thite

..... Petitioner

Vs.

The Commissioner,
Bhiwandi Nizampur City
Municipal Corporation & Anr.

..... Respondents

Mr. Bhushan A. Bandiwadekar for the Petitioner
Mr. N. R. Bubna for Respondent No.1
Mrs. R. A. Salunkhe, AGP for the State

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

DATED : MARCH 9, 2023

P.C.

1. We have heard the learned Counsel for the Petitioner and the learned Counsel for the Respondent Corporation.

2. The Petitioner seeks declaration that the prolonged suspension of the Petitioner is invalid. The Petitioner also seeks consequential service benefits.

3. According to the learned Counsel for the Petitioner, the inquiry report is in favour of the Petitioner, still no decision is taken by the Disciplinary Authority. The Petitioner cannot be placed under

suspension for more than 90 days. Reliance is placed by the learned Counsel for the Petitioner on the judgment of the apex court in the case of ***Ajay Kumar Choudhary Vs. Union of India Through its Secretary and Anr. (2015) 7 SCC 291.***

4. The learned Counsel for the Respondent Corporation submits that the Disciplinary Authority does not agree with the inquiry report and the Municipal Commissioner has decided to institute fresh inquiry in the matter. Recourse to be adopted by the Respondent Corporation of going for fresh inquiry is not permissible. If the Disciplinary Authority is not satisfied with the inquiry report, then the Authority has to issue show cause notice and then proceed further. One inquiry report is received on 23rd October 2018 and another in February 2019. More than 3 to 4 years have lapsed. As yet no decision has been taken by the Disciplinary Authority. Inquiry cannot be kept pending for long slumber.

5. The Disciplinary Authority shall take decision with regard to the charges against the Petitioner for which the inquiry is conducted, within six weeks from today.

6. Depending upon the decision taken by the Disciplinary Authority, further steps be taken by the parties with regard to the consequential benefits and also with regard to the suspension period.

7. With these observations, the Writ Petition is disposed of. No costs.

(SANDEEP V. MARNE, J)

(ACTING CHIEF JUSTICE)