

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2757 OF 2019

Netram s/o Laxman Mane, Kachewani, Tah. Tirora, Dist. Gondia

-vs-

The Divisional Commissioner, Nagpur Division, Nagpur and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri V. R. Borkar, Advocate for petitioner.

Shri A. A. Madiwale, Assistant Government Pleader for respondent Nos.1 and 2.

Shri A. Y. Kapgate, Advocate for respondent No.4.

CORAM : A. S. CHANDURKAR AND MRS VRUSHALI V. JOSHI, JJ.

DATE : June 15, 2023

P. C.

1. Heard. The challenge raised in this writ petition is to the initiation of enquiry proceedings against the petitioner under the provisions of the Maharashtra Zilla Parishads and Panchayat Samities Act, 1961. By filing pursis dated 07/08/2019 the learned counsel for the respondent Nos.2 and 4 has placed on record copy of order dated 01/08/2019 passed by the Chief Executive Officer, Zilla Parishad Gondia by which penalty of stopping three increments permanently has been imposed on the petitioner.

2. In the light of aforesaid, if the petitioner is aggrieved by the order dated 01/08/2019, he would be required to challenge the same by filing appeal under Rule 13 of the Maharashtra Zilla Parishad District Services (Discipline & Appeal) Rules, 1964. The learned counsel for

respondent Nos.3 and 4 submits that such remedy has not yet been availed by the petitioner and hence same would now be barred by limitation.

3. We however find that the writ petition was filed on 18/03/2019 and notices came to be issued on 03/04/2019. Since the appeal has been decided during pendency of the writ petition, an opportunity deserves to be granted to the petitioner to avail the appellate remedy. Hence, if the petitioner prefers an appeal within a period of fifteen days from today, the same shall be entertained on merits and shall not be rejected on the ground of delay. All points raised in the writ petition are kept open for being considered by the appellate Authority.

4. The Writ Petition is disposed of accordingly. No costs.

(Mrs Vrushali V. Joshi, J.)

(A. S. Chandurkar, J.)

Asmita