



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR**

**WRIT PETITION NO.4142/2022**

**Dipak Prabhakar Rao Kharbade V/s State of Maharashtra and others.**

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

Court's or Judge's Order

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Mr. P.S. Kadam, counsel for petitioner.

Mr. S.M. Ukey, Addl. G.P for respondent Nos.1 to 3.

Mr. A.B. Patil, counsel for respondent No.4.

**CORAM: PRITHVIRAJ K. CHAVAN**  
**URMILA JOSHI-PHALKE, JJ**

**DATED : 05/10/2023.**

1. Heard.
2. A show cause notice was issued by respondent No.4 to the petitioner on 15/7/2022, requiring the petitioner to give reason as to why departmental action should not be initiated against him.
3. By the said notice, the petitioner was asked to furnish his explanation by 20/7/2022. However, on 15/7/2022, itself, by another communication, the respondent No.4 demoted the petitioner, inter-alia, directing him to deposit the excess pay which had been paid/disbursed in his favour on the post of Supervisor.
4. Prima-facie, the principals of natural justice have not been followed, as due opportunity

to reply the show cause notice has not been given, though it has been stated in the show cause notice that explanation shall be given by 20/07/2022.

5. The impugned order therefore, needs to be quashed and set aside. The petition stands disposed of by issuing following directions;

- a) The impugned orders dated 15/07/2022 (Annexure- I & II) are quashed and set aside.
- b) Respondent No.4 is directed to issue fresh notice to the petitioner giving him sufficient opportunity to reply the same and thereafter, to take appropriate steps in accordance with the law. The entire exercise shall be completed within eight weeks from the date of receipt of an authenticated copy of the order.
- c) We make it clear that we have not gone into the merits of the petition.
- d) The petition stands **disposed of** in the aforesaid terms. No order as to costs.

[URMILA JOSHI-PHALKE, J.]

[PRITHVIRAJ K. CHAVAN, J.]