



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

Writ Petition No.8410/2023
(Dadarao V State of Maharashtra and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. D.V. Chauhan, Advocate for Petitioner.
Mr. N.R. Patil, AGP for respondent nos.1 to 3.

CORAM : Nitin W. Sambre & Abhay J. Mantri, JJ
DATE : 22-12-2023.

Heard.

2. By this petition, the petitioner is challenging the impugned order dated 15-12-2023, passed by the Maharashtra Administrative Tribunal, Nagpur, whereby the prayer for the grant of ad-interim stay to the departmental enquiry has been rejected.

3. It is contended that on 22-09-2022, after taking charge by the petitioner as a Chief Officer, Municipal Council, Yavatmal, Taluka Patrakar Sangh made a complaint to respondent no.3 alleging that the petitioner had prepared his cabin by demolishing his library/study center and thereby inconvenience has been caused to them. The said complaint was made at the behest of respondent no.6 who is the Assistant Commissioner, Divisional Commissioner office, Amravati. Respondent no.6 issued an order and unauthorizedly constituted an inspection Squad for the inspection of M.C. Karanja Lad.

4. Learned Advocate for the petitioner further submitted that the Grievance Committee in its report observed that as per administrative approval, the work of Cabin and Hall was carried out. He also invited our attention to the said report on page 65 of the petition, according to him, respondent no.3 at the behest of respondent no. 6 issued a communication to respondent no. 4 Collector, and directed him to conduct an enquiry against him and submit a report. Accordingly, a departmental inquiry has been initiated to harass him. Hence he has preferred the Application before the Tribunal.

5. We have gone through the impugned order and record it seems that the matter is subjudiced before the Tribunal. Respondents have not filed their reply in the matter. So it would be proper to give them an opportunity to file a reply. So that pleading would be completed. Having considered the same, we deem it appropriate to direct the Tribunal to consider the prayer of the petitioner to grant interim relief after completion of pleadings. At the same time, the respondents are also directed to file their reply in the matter within a period of three weeks from today i.e. on 12-01-2024.

6. The learned Advocate for the petitioner submitted that no specific date is fixed for the hearing of the matter, that being so, we hereby direct the Tribunal to post the matter on 12-01-2024 and decide the prayer of interim relief on the same date. With the above observations, the petition is disposed of.

7. It is made clear that, Since the prayer of the petitioner for the grant of ad-interim relief is rejected, in that case, if the respondents fail to complete the pleadings by the aforesaid date which is scheduled above, the Tribunal shall proceed with the hearing of the matter, thereby considering that the pleadings in the application are not controverted and decide the claim of the petitioner for grant of interim relief.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)