



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 WRIT PETITION NO. 1524 OF 2023

GAJANAN SHRIRAM PAKHARE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

...

Shri D.R. Irale Patil, Advocate for the Petitioner
Shri S.K. Tambe, AGP for Respondent 1/State

...

CORAM : RAVINDRA V. GHUGE
&
R.M. JOSHI, JJ.

DATE :- 01st March, 2024

Per Court :-

1. On 08.02.2023, we had passed the following order:-

“1. The petitioner has put forth prayer clause B, B-1 and C as under :-

"B. The Hon'ble Court may be pleased to pass necessary orders and quash and set aside the impugned order dtd. 20.10.2018 issued by Deputy Commissioner (EST) (Exh-) Commission rate Aurangabad and also communication made by Dy.CEO (Gen) Zilla Parishad Jalna on 03.11.2018 and by issuing a writ of mandamus or a writ in like nature, the respondents may kindly be directed to act and implement the order dt. 23.04.2010 passed by Divisional Add. Commissioner Aurangabad and provide deemed date from 09.02.2001 with consequential benefits in the cadre of Extension Officer (V.P.).

B-1. Quashing and setting aside the impugned orders under challenge order dtd. 20.10.2018

issued by Deputy Commissioner (EST) (Exh.-) Commission Rate Aurangabad and also Communication made by Dy.CEO (Gen.) Zilla Parishad Jalna on 03.11.2018, and the Hon'ble Court may be pleased to pass necessary order and direct the respondents to implement the impugned order dtd.23.04.2010 passed by Additional Divisional Commissioner Aurangabad in its true letter and spirit within time limit as found just and proper by this Hon'ble Court.

- C. Pending hearing and final disposal of this writ petition, the Hon'ble Court may be pleased to pass necessary order and stay the effect of the implementations of the impugned order dtd.20.10.2018 issued by Deputy Commissioner (EST) (Exh.) Commission rate Aurangabad and also communication made by Dy.CEO (Gen) Zilla Parishad, Jalna on 03.11.2018."*
- 2. Issue notice to the respondents, returnable on 20.03.2023. The learned AGP waives service of notice on behalf of respondent No.1.*
 - 3. All office objections to be removed within 4 (four) weeks."*

- 2. On 23.02.2024, we passed the following order:-*

- "1. The learned Advocate for the Petitioner has placed on record the service affidavit. The Advocate's notice was issued to Respondent No. 4 through Speed Post AD in view of the liberty granted by this Court vide order dated 24th March, 2023. A copy of the tracking report is placed on record which indicates that the envelope was delivered to Respondent No. 4 on 1st April, 2023.*
- 2. None is present for the Zilla Parishad who is the contesting Respondent.*
- 3. In view of the above, list this matter on 1st*

March, 2024, in the same category.”

3. None is present for Respondent No.2/ Zilla Parishad as well as Respondent No.4.

4. The only prayer that the Petitioner is now pressing before us, is that the decision delivered by the Additional Divisional Commissioner, Chhatrapati Sambhajinagar, dated 23.04.2010 in File No.DB/ Appeal/ Cell/ ZP/ 89/2009 as well as the communication by the Deputy Commissioner, Establishment Department of the Divisional Commissioner, Chhatrapati Sambhajinagar, addressed to the Chief Executive Officer, Zilla Parishad, Jalna, dated 20.10.2018, should be complied with.

5. Considering the above and taking into account that neither the Zilla Parishad, nor Respondent No.4 desires to oppose this petition, we direct the Chief Executive Officer, Zilla Parishad, Jalna, to comply with the decision dated 23.04.2010 as well as the letter dated 20.10.2018. Compliance report shall be tendered to this Court on 01.04.2024.

6. This **Writ Petition is disposed off.**

kps

(R.M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)