

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2318 OF 2020

Shaikh Asahaboddin Allauddin
Age : 46 years, Occupation – Nil,
R/o. Phulenagar, Majalgaon,
Tq. Majalgaon, Dist. Beed.

...Petitioner

Versus

1. The State of Maharashtra
Through its Secretary of General Administration,
Department, Mantralaya, Mumbai – 400032.
2. The Chief Executive Officer,
Zilla Parishad, Beed.
3. The Divisional Commissioner,
Divisional Commissioner Office,
Aurangabad Division, Aurangabad.

...Respondents

...

Advocate for the Petitioner : Mr. Lavte Amar V.
AGP for Respondent/State : Mrs. M.L. Sangit
Advocate for Respondent No.2 : Mr. P.D. Suryawanshi

...

CORAM : S.G. MEHARE, J.

DATED : JANUARY 03, 2024

PER COURT:-

1. Heard learned counsel for the petitioner and learned counsel for the respondent.
2. After holding a departmental enquiry, the petitioner's services were terminated. Before his termination, another enquiry was also initiated against him for his unauthorized absence and negligence in performing his duties. His two increments were

stopped. Thereafter, there was no change in his behaviour and conduct. Therefore, another departmental enquiry was initiated against the petitioner. Before initiating the departmental enquiry, notices dated 25.10.2016 and 20.12.2016 were served upon the petitioner, but he did not prefer to attend the enquiry and contest it on merit. It is not the case that after service of the notice, the departmental enquiry was completed forthwith. The due procedure appears to have been followed as provided under the Maharashtra Zilla Parishad, District Services (Discipline and Appeal) Rules, 1964.

3. After the termination of services, an appeal was preferred before the Additional Commissioner Aurangabad. The Additional Commissioner found no illegalities in the departmental enquiry and the termination order. Against the order of the Additional Commissioner, the petitioner is before this Court.

4. Learned counsel for the petitioner would submit that the enquiry was not legal. The notice of the enquiry was served upon him when he was serving at Majalgaon. So, he had no time to reach on 25.10.2016. However, there is no explanation from the petitioner for what restrained him from appearing before the Enquiring Officer on 20.12.2016.

5. The conduct of the petitioner was self-speaking. His conduct was sufficient to believe that he did the acts of unbecoming a public servant. The Inquiring Officer, Appointing Authority, and

Appellate Authority did not commit apparent illegality. There are no substantial grounds to interfere with the impugned order. Hence, the petition stands dismissed.

(S.G. MEHARE, J.)