



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

940 WRIT PETITION NO.8491 OF 2017

KISHOR TUKARAM DEOKAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. S.R. Barlinge, Advocate for petitioner

Mr. S.K. Shirse, AGP for respondent Nos.1 and 2

Mr. V.D. Hon, Senior Counsel i/b Mr. A.V. Hon, Advocate for respondent Nos.3
and 4

...

CORAM : SMT. VIBHA KANKANWADI &
S.G. CHAPALGAONKAR, JJ.

DATE : 07th MAY, 2024

ORDER :

1 Heard learned Advocate for the petitioner and learned AGP for respondent Nos.1 and 2.

2 It appears that the proposal for grant of approval to the appointment of the petitioner is still pending before respondent No.2. It appears that several times the petitioner had made representations. According to the petitioner, he came to be appointed vide order dated

30.12.2003 with effect from 01.01.2004. The petitioner has also produced on record the communication issued by Management to him on 30.06.2008 giving permanency by order dated 26.12.2006. Respondent No.2 had granted approval from 12.06.2006 to the petitioner, however, according to the petitioner, it ought to have been from the date of his joining in view of the appointment order and accordingly he had made representations.

3 Several times, time has been sought by respondent Nos.1 and 2 to file reply, however, till today no reply has been filed.

4 If we consider the representation, then a fact is coming on record that in the staff sanction of 2004-05, 2005-06 the post on which the petitioner was appointed was not shown. But later on it came to be shown in the staff sanction of 2006-07. Learned Advocate for the petitioner brings to our notice the staff sanction of 2003 and according to him, the said post was sanctioned. In view of the said statement and the representation it appears that some confusion has been created and by way of representation the petitioner says that he be granted approval for the two years i.e. 2004-05 and 2005-06 also.

5 After making the submissions, the learned Advocate for the petitioner submits that the petitioner would once again make a detailed

representation to respondent No.2 within a period of 15 days from today. If that representation is made, then directions are required to be given to respondent No.2 to decide the same within a stipulated period. In view of all these reasons, following order is passed.

ORDER

- 1 The petitioner is allowed to make a substantial representation to respondent No.2 within a period of 15 days from today.
- 2 Upon receipt of said representation, respondent No.2 may call all the relevant documents and give hearing to the petitioner as well as respondent Nos.3 and 4 i.e. Management and take decision on the said representation within a period of two months.
- 3 The Writ Petition, accordingly, stands disposed of.

(S.G. CHAPALGAONKAR, J.)

(SMT. VIBHA KANKANWADI, J.)