

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

4 WRIT PETITION NO. 4120 OF 2024

SHIVAJI GUNWANT KOLHE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

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Advocate for Petitioner : Dr. R. R. Deshpande h/f
Ms. Deshpande Priyanka R.
AGP for Respondents-State : Mrs. M. L. Sangit.

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CORAM : S. G. MEHARE, J.

DATE : 22.04.2024

PER COURT :-

1. Issue notice to the respondents.
2. Learned AGP waives service of notice for respondent/s-State Authorities.
3. The submissions of the learned counsel for petitioner is that the suspension of the petitioner is in contravention of Rule 3 of the Maharashtra Zilla Parishad, District Services (Discipline and Appeal) Rules, 1964. He made a statement that unless the disciplinary proceeding is contemplated or is pending or whether a case for criminal offence is under investigation or trial is going on, the employee cannot be suspended. He made a concrete statement that no crime is

registered against the petitioner and trial is also not pending. He did not receive any charge sheet for the departmental inquiry and no other departmental inquiry is pending against him. The impugned order is dated 28.12.2023. The petitioner is getting subsistence allowance. He has no serious harm. Therefore, it would be appropriate to hear the respondents before passing stay order.

4. Stand over to 19.06.2024.

(S. G. MEHARE, J.)

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vmk/-