

VASANT
ANANDRAO
IDHOL

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8524 OF 2024

The Secretary And Anr.

...Petitioner

Versus

Ajit Bhagawan Bachche And Ors.

...Respondents

....

Mr.Saurabh Pakale with Mr.Nilesh Desai i/b Padmaja U. Malgaonkar
for the Petitioner.

Ms.A.A. Nadkarni, A.G.P for the Respondent – State.

Mr.C.G. Gavnekar with Mr.Rohit Parab for Respondent No.1.

....

CORAM : AVINASH G. GHAROTE, J.

DATE : 25th JUNE 2024

P.C.:

1. Heard Mr.Pakale, learned counsel for the petitioner.

The petition questions the order dated 20.12.2023 passed by
learned College Tribunal, in Appeal No.14 of 2019, by which the
communication dated 19.7.2019 (page 44) has been considered
to be otherwise termination and directs reinstatement of the
respondent no.1.

2. Learned counsel for the petitioner contends, that the
communication dated 19.7.2019 (page 44) merely asks the
respondent no.1 to not attend the office, as enquiry was in

progress and therefore, cannot be termed as otherwise termination. He further points out that by a communication dated 15.6.2022, an enquiry committee under the relevant statutes was constituted for the purpose of holding a departmental enquiry against the petitioner which also indicates that the communication dated 19.7.2019 could not be treated as otherwise termination. The further enquiry has been stayed by the communication dated 8.7.2022 (page 185) issued by the Vice Chancellor.

3. The very fact that the enquiry committee under the statutes was constituted by the communication dated 15.6.2022 (page 171) would indicate that the letter dated 19.7.2019 (44) could not be construed as otherwise termination. The order of reinstatement impugned *prima-facie* is based upon this incorrect premise.

4. Learned counsel for the respondent no.1 submits that no suspension allowance has been paid to respondent no.1 if communication dated 19.7.2019 is to be treated as suspension letter, however that by itself cannot indicate that the said communication is otherwise termination.

5. Issue notice for final disposal, returnable on 29.7.2024. Mr. Gavnekar, learned counsel appearing for respondent no.1 waives notice for respondent no.1. Learned AGP waives notice for respondent State. The petitioner to serve the other respondents by all permissible modes of service. Till then, the effect and operation of the impugned judgment dated 20.12.2023 shall stand stayed.

(AVINASH G. GHAROTE, J.)