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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8951 OF 2024**

Ashok Shivram Karkar

.... Petitioner.

V/s

The State of Maharashtra & Ors.

.... Respondents.

Mr. Dilip P. Kamath a/w Ms. Archana Tiwari, Advocates for the petitioner.

Mrs. D.S. Deshmukh, AGP for respondent-State.

**CORAM: A.S. CHANDURKAR &
RAJESH S. PATIL, JJ.**

DATE: 5th July, 2024.

P.C.:-

1] The challenge raised in this writ petition is to the order dated 05/10/2023 passed by the Maharashtra Administrative Tribunal in Original Application No.774 of 2020. The Tribunal has observed that the prayer made by the petitioner in the Original Application that his name be dropped from the departmental inquiry had become infructuous on the ground that the inquiry was completed on 02/02/2022. It is seen that pursuant to that inquiry, fine of Rs 10,000/- has been saddled on the petitioner. Since the inquiry was completed during the pendency of the proceedings before the Tribunal,

it would be necessary for the petitioner to challenge the order dated 02/02/2022 in accordance with law.

2] We further find that the Tribunal has permitted the petitioner to pursue his representation for the grant of deemed date. The respondents have been directed to decide the same at the earliest.

3] In view of these directions, we do not find any case made out to interfere in exercise of writ jurisdiction. However, if the petitioner's representation is not yet decided, the same shall be decided within a period of four weeks of receiving copy of this order.

4] It is clarified that this Court has not examined the correctness of the order of penalty dated 02/02/2022. The petitioner is free to challenge the same in accordance with law.

5] The writ petition is disposed of.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]