



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION (WP) NO.649 OF 2024

- 1) Chandrasen Sahebrao Shinde,
Aged about 47 years, Occ. Service
(presently suspended), R/O. Pisalkar
Niwas, Vidhate Layout, Abhyankar
Ward, Warora, Dist. Chandrapur.

.... Petitioner(s)

// VERSUS //

- 1) Director of Marketing,
State of Maharashtra, Cooperation and
Textile Division, 3rd Floor, New
Building, Pune.
- 2) District Deputy Registrar, Cooperative
Societies, Chandrapur office at
Bhuvikas Bank Building, Sanjay
Gandhi Market, Civil Lines, Nagpur
Road, Chandrapur.
- 3) Agriculture Produce Market
Committee, Warora, District :
Chandrapur, Thr. Its Upasabhapati.

... Respondent(s)

Shri S.S. Ghate, Advocate for the Petitioner/s
Shri K.R. Lule, AGP for the Respondent Nos.1 and 2/State
Shri S.D. Khati, Advocate for the Respondent No.3

CORAM : ANIL S. KILOR, J.
DATE : 24.04.2024

ORAL JUDGMENT :

1. Heard.
2. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the learned counsel for the rival parties.
3. The suspension of the petitioner from the post of Secretary of APMC, Warora, District Chandrapur, by the respondent No.1 and respondent No.3 vide orders dated 10.01.2024 and 17.01.2024 respectively, are under challenge in this writ petition.
4. Admittedly, the power exercised by the respondent No.1 is under Section 40(e) of the Maharashtra Agriculture Produce Marketing (Development and Regulation) Act, 1963, which reads thus:

“40. Inspection, inquiry, submission of statements, etc.

The Director or any officer authorised by him by general or special order in this behalf, may,—

(e) direct that anything which is about to be done or is being done should not be done, pending consideration of the reply

and anything which should be done but is not being done within such time as he may direct.”

5. From the wording of the above referred provision, it is evident that the said provision does not relate to suspension of any employee. Thus, the order is without jurisdiction.

6. The learned counsel for the respondents have not pointed out any other provision, having power to suspend any employee, so as to hold that the power to suspend is available in the statute but a wrong provision was mentioned. In the circumstances, I pass the following order:

(i) The writ petition is **allowed**.

(ii) The orders dated 10.01.2024 and 17.01.2024 passed by the respondent No.1 and the respondent No.3, are hereby quashed and set aside.

Rule accordingly. No costs.

[ANIL S. KILOR, J.]