



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

Writ Petition (WP) No. 4528 of 2019

Ashok Mahadeo Mandwar

Versus

Chief Executive Officer, Zilla Parishad, Yavatmal and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R.B.Khan, Advocate for the petitioner.

Shri R.D.Bhuibhar, Advocate for the respondent nos. 1
to 3.

CORAM : ANIL S. KILOR, J.

DATED : 23rd JANUARY, 2024.

Heard.

2. The departmental appeal filed by the petitioner under Section 13 (E) of the Maharashtra Zilla Parishad, District Services (Discipline and Appeal) Rule, 1964 against the order of termination came to be rejected by the Additional Commissioner, Amravati Division, Amravati vide impugned order dated 5th December, 2012 on the ground of limitation.

3. The Additional Commissioner while rejecting the appeal has observed that order of termination is dated 25th May, 2012 and the appeal came to be filed on 7th November, 2012 and therefore the appeal is barred by limitation.

4. It is pertinent to note that, though the revision is provided, the petitioner filed a review application before the Divisional Commissioner who has rejected the review application and make certain observations to the effect that the appellant may approach to the Hon'ble High Court for such remedy. Thus, the challenge is raised in this writ petition to the such observation.

4. Considering the nature of such observation, the only clarification which would suffice the purpose is that, such observation is having no binding force but it is of advisory in nature and hence, the petitioner is at liberty to file appropriate proceeding as available under the law challenging the order passed by the Additional Commissioner, rejecting appeal against termination.

5. If such proceedings is filed, the appropriate forum may take into consideration the period exhausted in pursuing the review petition and the present writ petition, while deciding the issue of limitation. Accordingly, the writ petition is disposed of.

6. In view of the fact that the petitioner has filed the copy of appeal, the office objection as regards the deposit of costs is dispensed with.

[ANIL S. KILOR, J.]