



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

WRIT PETITION NO. 4828 of 2024

Vishal Bhauraoji Shukhdeve

vs.

The State of Maharashtra, through its Principal Secretary, Home Department, and ors.

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

Court's or Judge's Order

Mr. P.R.Agrawal, Advocate for petitioner.

Mr. N.S.Rao, Assistant Government Pleader for respondent nos. 1 to 4.

CORAM :- BHARATI DANGRE AND ABHAY J. MANTRI, JJ.

DATE :- 11th OCTOBER, 2024

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1. Writ jurisdiction of this Court is invoked raising a challenge to the refusal to grant interim relief by the Maharashtra Administrative Tribunal in the OA No.636/2024 (Original Application) filed by the petitioner as it is his specific grievance that the Departmental Enquiry against him is proceeding without affording him an opportunity of being represented through legal practitioner.

2. We have perused the order of the Tribunal dated 31.07.2024 passed by the Vice Chairman of the Tribunal in the OA where he has referred to the authoritative pronouncement governing the field and also reference is made to the concerned Rule of the Bombay Police Manual.

Perusal of the order reveals that the Tribunal has issued notice by making the same returnable on 29.08.2024 by clearly indicating that it will take the case for final disposal, at this stage and separate notice for final disposal shall not be issued.

3. When we enquire Mr. Agrawal, learned counsel representing the petitioner, about the status of the proceedings, he has submitted before us that the respondents are yet to file reply but on the other

hand the Enquiry Officer is proceeding with utmost expediency in the enquiry proceedings.

4. Though we would not have otherwise interfered with the impugned order since it is an order refusing to grant interim protection, but at the same time the notices are issued, in case if the notices are served upon the respondents, we direct that the reply affidavit shall be filed within a period of four weeks from today and the Tribunal thereafter take up the OA, as indicated by it to decide finally at stage of admission, within a period of four weeks thereafter.

5. With these observations, the writ petition is disposed of.

(ABHAY J. MANTRI, J.)

(BHARATI DANGRE , J.)

Andurkar.