



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

WRIT PETITION NO.5552 OF 2024

Narayan Jaganji Kumbhalkar, Tah. Ramtek, Dist. Nagpur

-VS-

State of Maharashtra, Thr. Secretary, Dept. of Gram Vikas, Mantralaya, Mumbai and ors.

Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and the Registrar's orders.

Court's or Judge's Orders.

Ms Pranali R. Wasnik, Advocate h/f Shri Raju L. Kadu, Advocate for petitioner.  
Shri D. V. Chouhan, Senior Counsel/Government Pleader with Shri H. D. Marathe,  
Assistant Government Pleader for respondent Nos.1 and 3.

**CORAM : NITIN W. SAMBRE AND MRS VRUSHALI V. JOSHI, JJ.**

**DATE : October 16, 2024**

P. C.

1. Heard the respective counsel. Though a support is drawn by the respondents from the Government Resolution dated 12/02/2013 issued by the General Administration Department so as to justify issuance of the impugned communication, we see absence of express powers conferred in respondent No.3 by the said Government Resolution thereby directing the Disciplinary/Appointing Authority to suspend the petitioner.

2. All that is expected under the said Government Resolution dated 12/02/2013 is to submit a report against the accused who happen to be in the public employment with the employer so that the Appointing Authority can take recourse to the proceedings for suspension or consequential action as suggested in Government Resolution dated 12/02/2013.

3. In that view of the matter, the impugned communication dated 21/08/2024 is held to be without jurisdiction. The same is accordingly quashed and set aside.

4. In view of above, the petition is allowed.
5. However, this will not preclude the respondent No.3 from submitting a report thereby providing all the adverse material against the petitioner to the respondent No.2-employer.
6. It shall be for the respondent No.2 to apply its mind and take appropriate steps if so required as suggested in clause 9(c) of the Government Resolution dated 12/02/2013.
7. No costs.

(Mrs Vrushali V. Joshi, J.)

(Nitin W. Sambre, J.)