



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

5 WRIT PETITION NO. 385 OF 2024

ARVINDKUMAR BABURAO BADNE

VERSUS

THE BOARD OF DIRECTORS MAHARASHTRA GRAMIN BANK AND
ANOTHER

...

Advocate for the Petitioner : Mr. Jadhavar Santosh Sampatrao

AGP for Respondents/State : Mr.P.K. Lokhatiya

Advocate for Respondent No. 2 : Mr.Parag Shahane and Mr. Pradeep
Shahane

...

CORAM : R. G. AVACHAT AND
ABASAHEB D. SHINDE, JJ.

DATE : 08.09.2025.

PER COURT :

1. The petitioner has approached this Court under Article 226 of the Constitution of India, thereby, challenging the communication dated 07.10.2023, addressed by the Chairman and the Disciplinary Authority in appeal preferred by the petitioner, dated 12.08.2023, against the final punishment order dated 18.07.2023, issued by the Disciplinary Authority. By the impugned order, the punishment imposed on the petitioner by the Disciplinary Authority, by which the petitioner was removed from the service has been revised to compulsory retirement from the service of the Bank.

2. We have heard the learned Advocate for the petitioner as well as learned Advocate for the respondents.

3. The only ground raised in this Writ Petition is that while

passing on order in appeal, which is impugned in this Writ Petition, an opportunity of hearing was not given to the petitioner and the impugned order has been passed by the Appellate Authority without giving personal hearing to the petitioner.

4. The impugned order dated 07.10.2023 depicts that admittedly, while passing the said order the petitioner was not given proper opportunity of hearing and said appeal being statutory appeal, the petitioner ought to have been given proper opportunity of hearing before taking any decision in an appeal. We, therefore, are inclined to quashed and set aside the impugned communication dated 07.10.2023, issued pursuant to the decision taken by respondent No. 1 in its meeting dated 18.09.2023 and remand the matter to the Appellate Authority to decide the said appeal filed by the petitioner after giving an opportunity of hearing to the petitioner.

5. On behalf of respondents it has been pointed out that the petitioner pursuant to the impugned order has started availing pensionary benefits and the same be made subject to outcome of the decision in the appeal, that would be taken after the remand. We are inclined to accept the said contention of the respondents that whatever pensionary benefits have been conferred upon the petitioner that will be subject to outcome of the decision in appeal after remand. We, thus, propose to pass following order :

ORDER

- (i) The Writ Petition stands allowed, in terms of prayer Clause (B).
- (ii) We direct respondent No. 1 to give an opportunity of hearing to the petitioner and then pass an appropriate order in an appeal preferred by the petitioner.

(iii) Such exercise shall be done within a period of two months from today.

(ABASAHEB D. SHINDE)
JUDGE

(R. G. AVACHAT)
JUDGE

mahajansb/