



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17306 OF 2024

Satish Baburao Kolsure ... Petitioner
Versus
The State of Maharashtra and ors. Respondents

Adv. Rahul S. Kadam a/w Adv. Vedant Babar, for the Petitioner.
Ms. Rupali Shinde, AGP, for Respondent No.1-State.
Adv. Rhishikesh M. Pethe, for Respondent Nos.2 to 5.

CORAM : M.S.KARNIK AND
N.R.BORKAR, JJ.

DATE : 08th JULY 2025

P.C. :

1. Heard learned counsel for the parties.
2. The Petitioner is challenging the order dated 6th July 2023 passed by the Disciplinary Authority dismissing the Petitioner from the services of the Respondent – Pune Municipal Corporation. The Petitioner also challenges the order dated 30th September 2024 passed by the Appellate Authority dismissing the Appeal filed by the Petitioner.
3. The Petitioner in the memo of the Petition in paragraph [IX] has stated that the enquiry report was not given to the Petitioner

before the impugned order was passed and hence there is a grave breach of the principles of natural justice.

4. Mr. Pethe, learned counsel for the Respondent-Corporation made an attempt to justify the order of dismissal. It is submitted that after giving every possible opportunity to the petitioner during the departmental enquiry, the impugned order came to be passed.

5. In our opinion, the impugned order deserves to be set aside only on the ground that the same is passed in breach of the principles of natural justice. The Petitioner has taken a categorical stand that the Enquiry Officer's report was not supplied to which there is absolutely no response in the affidavit-in-reply filed by the Respondent Corporation. The Petition therefore succeeds. The impugned orders are set aside. The Petitioner be reinstated in service.

6. The Petitioner will continue to remain under suspension unless the same is revoked. Needless to mention that the Petitioner will be entitled to the subsistence allowance.

7. It is pointed out by learned counsel for the Petitioner that during the pendency of the Appeal before the Appellate

Authority, the copy of the Enquiry Officer's report was made available to him under the Right to Information Act, 2005. In these circumstances, the Respondents may proceed on the premise that the Petitioner has now received the copy of the Enquiry Officer's report.

8. All contentions are kept open.
9. The Writ Petition is disposed of.

(N.R.BORKAR, J.)

(M.S.KARNIK, J.)