

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.19378 OF 2024

Smt. Rupali Ashwin Patil]
Executive Engineer,]
Public Works Division, Bhingari,]
Panvel, Dist. Raigad]
R/of Yogidham, Kalyan (W), Dist. Thane] .. **Petitioner**

Versus

The State of Maharashtra,]
Through the Principal Secretary,]
Public Works Department,]
Mantralaya, Mumbai] .. **Respondent**

Mr. Narendra V. Bandiwadekar, Senior Advocate, with Mr. Vinayak R. Kumbhar, Mr. Rajendra B. Khaire, i/by Ms. Ashwini N. Bandiwadekar, Advocates for the Petitioner.

Mr. A.R. Deolekar, Assistant Government Pleader for the Respondent-State of Maharashtra.

Mr. Deepak Tukaram Kalvikatte, Section Officer, Public Works Department, State of Maharashtra, is present in Court.

**CORAM : A.S. CHANDURKAR &
M.M. SATHAYE, JJ**

DATE : 9TH JANUARY 2025.

ORAL JUDGMENT : { Per A.S. Chandurkar, J. }

1. Rule. Rule made returnable forthwith and heard the learned counsel for the parties.

2. The challenge raised in this writ petition is to the interim order dated 20th December 2024 passed by the learned Member, Maharashtra Administrative Tribunal issuing notice in Original Application No.1609 of

2024 preferred by the petitioner. In that Original Application, a challenge has been raised to the order of suspension dated 11th December 2024. On the premise that though a prayer for interim relief seeking stay of the order of suspension was made by the petitioner and it was not considered by the Tribunal, the petitioner has approached this Court.

3. On 24th December 2024, the Vacation Bench passed the following order :-

- “1. Heard learned counsel for the petitioner and learned AGP for the respondent-State.
2. Learned AGP seeks time to file reply.
3. It appears that by an order dated 11th December 2024, the petitioner has been suspended with immediate effect. It further appears from the record that departmental enquiry against the petitioner is going on from 4 March 2024, but no action was taken against the petitioner when departmental enquiry was going on.
4. It does not appear from the record that before passing suspension order dated 11 December 2024, suspending her with immediate effect, any explanation was called from the petitioner. Hence, impugned suspension order dated 11 December 2024 is stayed till the next date.
5. Stand over to 9 January 2025.
6. It is made clear that the departmental enquiry as commenced shall continue on its own merit, without being influenced by order of this Court.”

4. It is seen that the Original Application preferred by the petitioner is

pending before the Tribunal. It is informed that the respondents have filed their affidavit-in-reply in the said proceedings.

5. The learned Senior Advocate for the petitioner, on instructions, submits that rejoinder will be filed by 14th January 2025. He assures that no unnecessary adjournments would be sought.

6. Considering the fact that the issue pertains only to the consideration of the prayer for grant of interim relief, the following directions would serve the ends of justice :-

(a) The learned Member, Maharashtra Administrative Tribunal shall hear the parties and decide the prayer for interim relief within a period of ten days from today, which would be by 20th January 2025. It would be open for the petitioner to file rejoinder in the meanwhile.

(b) It is clarified that the Tribunal shall not be influenced by the fact that ad-interim relief was granted by this Court on 24th December 2024. The prayer for interim relief shall be considered on its own merits and in accordance with law.

(c) Till the prayer for interim relief is considered, the ad-

interim order dated 24th December 2024 shall continue to operate, however without prejudice to the rights and contentions of the parties.

7. Keeping all aspects on merits open, the Writ Petition is disposed of.

[M.M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]