2026:BHC-AUG:49680

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7634 OF 2024

Bhim Hema Aadhe
VERSUS
The State Of Maharashtra Through Its Secretary And Others
...
Mr. A. N. Nagargoje, Advocate for the Petitioner
Mr. S. P. Sonpawale, AGP for Respondent-State
Mr. P. S. Salunke, Advocate for Respondent nos.2 and 3
.....

CORAM : AJIT B. KADETHANKAR, J.
DATED : 15TH OCTOBER, 2026

P.C. :-

. Feeling aggrieved by the order dated 27.02.2024 passed by the Deputy Commissioner-3, Chhatrapati Sambhajinagar, Municipal Corporation, the petitioner has filed the present Writ Petition.

2. The petitioner who was working as an electricity lineman, was initially suspended by the corporation and later on was subsequently subjected to a disciplinary inquiry. At the conclusion of the Trial, it was observed that the charge no.1 recited in the chargesheet was proved against the petitioner and it was found that he has committed breach of Rule 3 of the Maharashtra Civil Services (Conduct) Rules, 1979. Consequently, one annual increment of the petitioner was withheld permanently.

3. Mr. A. N. Nagargoje, learned Advocate for the petitioner submits that in fact taking recourse to Rule 17 of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979, the petitioner filed an appeal before the standing committee of the Municipal Corporation. He submits that however while the appeal was filed, it was revealed that the standing committee was headed by the Administrator who happened to the the Commissioner for the Corporation. Mr. Nagargoje submits that since the order was passed by the approval of the Administrator as to be seen from the order dated 27.02.2024, the petitioner by way of abundant caution has filed this First Appeal.

4. Today, when the matter is taken up for hearing, Mr. P. S. Salunke, learned Advocate for respondent nos.2 and 3 submits that the things are now changed by the course of time. Now, the general elections to the Aurangabad Municipal Corporations had taken place and properly constituted standing committee is operational in the corporation.

5. As such, now the Administrator/Commissioner is not a part of the said standing committee. In view these circumstances and considering that the appeal filed by the petitioner under Rule 17 of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 is pending before the standing committee, I deem it appropriate to dispose of this Writ Petition granting liberty to the petitioner to prosecute his appeal before the standing committee.

6. Mr. P. S. Salunke, learned Advocate for respondents/ corporation submits that the appeal filed by the petitioner shall be decided expeditiously preferably within a period of four months from today by giving proper opportunity to the petitioner.

7. In view of the above, I pass following order:

ORDER

a. Writ Petition stands disposed of with liberty to the petitioner to prosecute his pending appeal before the standing committee.

b. The appeal of the petitioner be decided by the standing committee within a period of four months from today by giving proper opportunity of hearing to the petitioner.

c. It is clarified that this Court has not touched the merit of the case.

d. All contentions of the petitioner are kept open.

(AJIT B. KADETHANKAR, J.)

Rushikesh/2026