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Vs.

Mr. C. T. Chandratre for the Petitioner.

Mr. P. N. Joshi, for Respondent No.1.

**CORAM : NITIN W. SAMBRE &
ASHWIN D. BHOBE, JJ.
DATE : 23rd JANUARY, 2025**

1. In the capacity of the Secretary of the Respondent No.1 APMC, petitioner stood superannuated on 30.06.2020.

2. It appears that the Respondent APMC employer has initiated inquiry proceedings vide charge-sheet dated 29.06.2020 i.e. a date before the superannuation of the petitioner.

3. It appears that the said enquiry further culminated into passing the order impugned imposing the penalty.

4. The petitioner has initiated the present petition not only questioning the charge-sheet, but also the order of punishment.

5. Amongst other grounds canvased, Petitioner submits that petitioner having superannuated on 30.06.2020, the Respondent No.1 Employer lacked authority in law to continue the disciplinary proceedings and as such not only the disciplinary proceedings stood vitiated but also the termination order is rendered illegal.

6. So as to substantiate the aforesaid contention, reliance is placed on the Apex Court judgment in the matter of ***Bhagirathi Jena Vs. Board of Director O.S.F.G. and Ors. AIR 1999 SC 1841.*** At this stage, Mr. Joshi, learned Counsel appearing for Respondent No.1 seeks time to oppose the aforesaid point.

7. As a last chance, stand over to **30th January 2025.**

8. Interim relief, if any, to continue till the next date.

9. Reply tendered by the learned Counsel for the Respondent No.1 is taken on record which is also acknowledged by the learned Counsel for the Petitioner.

(ASHWIN D. BHOBE, J.)

(NITIN W. SAMBRE, J.)