

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

963 WRIT PETITION NO.9040 OF 2022

**SHANTARAM TARACHAND SONWANE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS**

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Advocate for Petitioners : Mr. S.R. Barlinge
AGP for Respondent Nos. 1 & 2 : Mr. S.G. Karlekar

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**CORAM : RAVINDRA V. GHUGE &
ARUN R. PEDNEKER, JJ.**

DATED : SEPTEMBER 8th, 2022.

PER COURT :

1. The petitioner is aggrieved by the show cause notice dated 11.7.2022 and the order of suspension pending disciplinary proceedings dated 11.7.2022. He stood superannuated on 31st July, 2022. A charge-sheet cum show-cause notice is yet to be issued. Enquiry Committee is yet to be constituted. When the petitioner had 20 days for superannuation, the order of suspension has been issued. Reliance is placed on the **judgment delivered by this Court dated 16.4.2010 delivered in Writ Petition No. 2977/2009 filed by Dagaji Damodar Bacchav Vs. Jalgaon Jilha Maratha Vidya Prasarak Sahakari Samaj Ltd. Jalgaon and others.**

2. Issue notice to the respondents, returnable on 3rd October, 2022. The learned AGP waives service of notice on behalf of respondent Nos. 1 and 2.

3. Insofar as the prayer of the petitioner for grant of ad-interim relief is concerned, we have perused the show-cause notice dated 11.7.2022. It appears that charges dating back to 2016 onwards have been levelled. Though a lengthy show-cause notice has been drafted, *prima-facie*, there appears to be vagueness in the charges levelled upon the petitioner. According to the petitioner, a charge-sheet cum show-cause notice has not been issued and the Enquiry officer/Committee is yet to be appointed/constituted.

4. In this view of the matter and in the light of the fact that that the petitioner has already superannuated on 31st July, 2022, we restrain respondent No. 4 – Management from initiating a departmental enquiry against the petitioner.

5. Copies of the petition paper book for issuing notice shall be supplied, on or before 15th September, 2022, failing which the ad-interim protection shall stand vacated without reference to the Court, on 16th September, 2022.

[ARUN R. PEDNEKER J.]

[RAVINDRA V. GHUGE, J.]

SSC/