

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.2549 OF 2015.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.S.D.Joshi, advocate for the petitioner
 Mr.P.L.Shahane, advocate for Respondent Nos.1 and 2.

**CORAM : S.V.GANGAPURWALA &
 V.K.JADHAV, JJ.**

Date : 15.07.2015.

PER COURT :

1. Heard.
2. Mr.Joshi, learned counsel for the petitioner submits that the Respondent Bank is proceeding with the Criminal prosecution and Departmental Inquiry simultaneously. It would be prejudicial to the petitioner to open his defence in the Departmental Inquiry when the petitioner is required to face Criminal prosecution. According to the learned counsel, both the proceedings can not go hand in hand.
3. Mr.Shahane, learned counsel for the Respondents states that in the Departmental Inquiry article of charges are proposed against the petitioner. There are in all nine charges proposed against the petitioner. Charge Nos.1 and 3 are only related to the Criminal

prosecution also. For rest of the charges proposed against the petitioner in the Departmental Inquiry, no Criminal prosecution is lodged. The learned counsel on instructions states that Respondent Bank would not proceed with the Departmental Inquiry with regard to Charge Nos.1 and 3 for which Criminal prosecution is also lodged and would continue with the Departmental Inquiry for rest of the charges.

4. In view of the said statement made, it is not necessary to stay the complete Departmental Inquiry. In view of the said statement, the Respondent Bank will not proceed with the Departmental Inquiry to the extent of Charge Nos.1 and 3 i.e. charges for which Criminal prosecution is also lodged. The Respondent-Bank may proceed with Departmental Inquiry as far as Charges 1 and 3 are concerned after the decision of the Criminal prosecution.

5. The Writ Petition is disposed of. No costs.

(V . K . JADHAV , J .)

(S . V . GANGAPURWALA , J .)

Dt.15.07.2015.
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