

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

WRIT PETITION NO. 5905 OF 2015

Pramod Shripat Sapkale

.. Petitioner

Versus

The Union of India and Another

.. Respondents

Shri Swapnil Joshi h/f J. P. Legal Associate, Advocate for the
Petitioner.

Shri S. B. Deshpande, A. S. G. for Respondent Nos. 1 and 2.

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

DATE : 22ND JULY, 2015.

PER COURT :

1. Mr. Joshi, the learned counsel for the petitioner strenuously contends that, departmental proceedings and the criminal proceedings are based on same charges wherein same witnesses are to be examined. The conclusion of the departmental proceedings would be prejudicial to the interest of the petitioner in the criminal proceedings. The learned counsel relies on the judgment of the Capt. M. Paul Anthony V/s Bharat Gold Mines Ltd. reported in A. I. R. 1999 S. C. 1416.

2. Mr. Deshpande, the learned Assistant Solicitor General submits that, departmental inquiry has almost concluded. The evidence of all the parties has been concluded and the Inquiry Officer

has also submitted his report. Now no part of the evidence has remained to be deposed.

3. We have considered the submissions canvassed by the learned counsel for the respective parties.

4. We would have considered the arguments canvassed by the learned counsel for the petitioner, had the inquiry would have been at the preliminary stage wherein evidence would not have been led. In that case we would have given the thought to the arguments advanced by the learned counsel for the petitioner. However, as it is submitted by the learned counsel for respondents that, the whole process in the inquiry till the stage of submitting the report by the Inquiry Officer is concluded and further steps only are remaining, we are not inclined to consider the arguments canvassed by the learned counsel for the petitioner. In the present case we are not called upon to decide what would be the effect of decision given in criminal proceedings. Petitioner is at liberty to agitate the same. As the inquiry has proceeded further from the stage of evidence also and even the inquiry report is submitted by the Inquiry Officer, we are not inclined to consider the petition at this stage. The writ petition is disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]