

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

WRIT PETITION NO. 7729 OF 2015

NAMDEO WALMIK AHIRE
VERSUS
MANAGING DIRECTOR AND OTHERS

...
Advocate for Petitioner : Mr. Patil Paresh B.
Advocate for Respondents : Mr. S.M.Godsay

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CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.
Dated: July 28, 2015

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PER COURT :-

1. Mr. Patil, the learned counsel for the petitioner states that Criminal case is also filed against the petitioner and Departmental Inquiry was also commenced. Now, the Inquiry Officer has submitted his inquiry report and a show cause notice is issued asking the petitioner to file reply within four days. According to the learned counsel, the petitioner has rendered 37 years of his service and is due to retire on 31.7.2015. If any adverse orders are passed in departmental inquiry, the same would adversely affect the criminal case. According to the learned counsel, the respondents be restrained from taking any further steps pursuant to the said Departmental Inquiry.

2. Mr. Godsay, the learned counsel for respondents state that inquiry is concluded. The petitioner has participated in the departmental inquiry. The Inquiry Officer has submitted his report. Pursuant to the report submitted, show cause notice is issued to the petitioner calling for his reply.

3. We have considered the submissions. The standard of proof required in a criminal case and Departmental Inquiry is different. We could have considered the arguments of the learned counsel for the petitioner had the inquiry not proceeded further from the stage of evidence. However, the evidence is completed. Even the petitioner has participated in the inquiry and now at the fag end when show cause notice is issued pursuant to the inquiry report, the petitioner has approached this court. No question of prejudice arises as order in the Departmental Inquiry would not bind the Court dealing with the criminal case.

4. Considering the above, no case for interference is made out.

5. It is submitted that time to file reply has expired. The respondents shall accept the reply of the petitioner and consider the same if the same is filed by 30.7.2015.

6. Writ Petition accordingly stands disposed of. No costs.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

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aaa/-