

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.11210 OF 2015
IN
WRIT PETITION NO.1774 OF 2013

ABASAHEB RAOSAHEB DHAGE

APPLICANT

VERSUS

THE PRESIDENT AND OTHERS

RESPONDENTS

Mr.R.D.Biradar, Advocate for the applicant.

Mr.P.K.Deshmukh, Advocate for non-applicant Nos. 1 and 2.

Mr.S.G.Sangle, AGP for respondent No.3.

Mr.N.G.Kale, Advocate for respondent No.4.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 11/09/2015

PER COURT :

1. The applicant submits that he has resumed service during the pendency of his petition. The respondent/employer, however, is harassing the applicant by issuing show cause notices. An Enquiry Committee has been constituted on 26/03/2015 and the said Committee be prevented from proceeding with the enquiry.

2. Mr.Biradar has pointed out from the application the grounds on which the applicant prays for staying the enquiry.

3. Mr.Deshmukh, learned Advocate has appeared on behalf of

respondent Nos.1 and 2 / Management. Learned AGP appears for the Education Officer / respondent No.3. Mr.N.G.Kale, learned Advocate has appeared for respondent No.4, who has now superannuated from employment. They have opposed this application.

4. A prayer for staying of an enquiry, which is being conducted in accordance with the procedure laid down in law, is an unprecedented request. The applicant has to make out an exceptionally strong case/ reasons and ground for seeking a stay to the enquiry being conducted by the Enquiry Committee under the MEPS Act, 1977 and the MEPS Rules.

5. I do not find any such reasons having been made out so as to stay the enquiry. Nevertheless, the respondent/Management can be directed to ensure that the enquiry is not delayed at their behest and the same is concluded within the time frame prescribed by the Act and the Rules.

6. In the light of the above, this application is rejected.

7. The applicant as well as the respondents shall not seek

adjournments on unreasonable and trivial grounds and shall cooperate with the Enquiry Committee so as to complete the enquiry within the prescribed limit.

(RAVINDRA V. GHUGE, J.)