

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.8133 OF 2013**

Tukaram Kashiram Choudhary

...Petitioner.

versus

The State of Maharashtra and others

..Respondents.

.....

Mr. Rajan Malkani for the Petitioner.

Mr. P.P. Kakade, AGP for Respondent Nos.1 and 2.

.....

**CORAM : NARESH H. PATIL &
A.S. GADKARI, JJ.****3rd February, 2015.****P.C. :**

The grievance of the Petitioner is that he retired on 31st January, 2004. On the day of retirement, Respondent No.1 initiated proceedings for conducting an enquiry. The enquiry continued after his retirement and in the year 2008 the enquiry authority made the following findings in paragraph 16 of the report which reads as under :

“16. The Presenting Officer's views that Shri Chaudhary had breached in principle, the instructions of the D.G.P. needs to be viewed as a technical lapse. In the context of the narration of this case as it appears from Shri Chaudhary's explanations, submissions and the proceedings of the Departmental Enquiry (as per the Roznamas) the benefit of doubt and balance of convenience would be in Shri Chaudhary's favour. The Inquiring Authority would therefore, not recommend that this charge be pressed against Shri T.K. Chaudhary.”

2. Learned counsel appearing for the Petitioner submits that the Petitioner's reputation was damaged and considering the agony which

he had to go through all these years, compensation of Rs.1 Crore be awarded to the Petitioner as redressal of his infringement of fundamental right.

3. In the facts, we are not inclined to entertain the prayer for grant of compensation in the Writ Petition filed under Article 226 of the Constitution of India. For the said purpose, the Petitioner may have recourse to alternate remedies as permissible in law. The Petition is dismissed.

(Naresh H. Patil, J.)

(A.S. Gadkari, J.)