

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

M.C.A.NO. 553/2014 & W.P.NO. 3771/2012.

Dr. Diakar Baburao Sarode

VERSUS

Vice Chancellor, Mah. Animal and Fishery Science University, Nagpur and others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

CORAM : B.P. DHARMADHIKARI
& A.P. BHANGALE, JJ.

DATED : JANUARY 14, 2015.

Heard Shri K.S. Gour, learned Counsel for
the applicant/petitioner and Mrs. U.A. Patil, learned
Counsel for respondents.

Perused the application for restoration.
We are satisfied that the learned Counsel for the
petitioner was prohibited by sufficient reasons from
appearing before this Court on 07.03.2014. Learned
Counsel appearing for the applicant/petitioner has also

agreed to argue the Writ Petition for admission, as such, we have recalled the order dated 07.03.2014 and restored the Writ Petition No. 3771/2014 back to file.

Misc. Civil Application is accordingly allowed and disposed of.

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Writ Petition No.3771/2012.

Heard learned counsel for the parties.

Shri Gaur, learned Counsel for the petitioner submits that petitioner is already superannuated and enquiry officer has also submitted report, however, punishment order is yet not passed. According to him, question of interpretation of Rule 8 of the Maharashtra Civil Services (Discipline and Appeal) Rules, as also Section 30 of the Advocates Act, is involved in the present matter. He also strives to demonstrate that said issue goes to root of the matter and in any case it will be helpful for a decision in other matters.

Mrs. Patil, learned Counsel for respondents submits that after receipt of the enquiry report, the

disciplinary authority has to pass appropriate order, and thereafter challenge of present nature may arise.

It is apparent that as no order of punishment or exoneration has been issued by the competent Authority, the Departmental Enquiry is still not over. As such this Court has to be slow in interfering with the departmental enquiry during its pendency. In this situation, with liberty to petitioner to raise all contentions again in case he is punished in the matter or in case any other cause of action arises, we dispose of this writ petition. No costs.

Rgd

JUDGE

JUDGE