

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.2965 OF 2014

(Vishal s/o Ramdas Gaikwad vs. Maharashtra State Electricity Distribution Company Ltd. and others)

WITH WRIT PETITION NO.2966 OF 2014

(Harisingh s/o Motisingh Chauhan vs. Maharashtra State Electricity Distribution Company Ltd. and others)

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

Shri Anand Parchure, Advocate for petitioners.

Shri A.D. Mohgaonkar, Advocate for respondents.

CORAM : B.P. DHARMADHIKARI AND
 P.N. DESHMUKH, JJ.

DATED : AUGUST 19, 2015

The writ petitions are heard in the backdrop of orders passed by this Court on 17/8/2015 in the writ petitions filed against same employer questioning initiation of action under Regulation 88 of the MSEDCL Regulations.

In the present matters, it is not in dispute that after Regulation 90 was quashed and set aside by

the Division Bench of this Court, employer has started action under Regulation 88. Immediately after initiation of departmental enquiry in terms of the said Regulation, the petitioners have approached this Court with grievance that when on the same set of facts, prosecution before Special Court is contemplated and going on, disciplinary proceedings need to be stayed.

On 27/6/2014, while issuing notice, this Court has stayed further proceedings in departmental enquiries against the petitioners.

In the light of orders passed by this Court on 17/8/2015, Adv. Parchure for petitioners submits that petitioners shall make appropriate representation pointing out legal position and requesting for stay of departmental enquiries to the competent Authority within a period of two weeks from today. He further submits that as petitioners continue under suspension since long and since Service Regulations require review of that decision, the petitioners shall also seek that review in the said representation.

Adv. Mohgaonkar for respondents points out that the issue of grant of extension or otherwise

to the period of suspension has been looked into and Authorities have placed necessary proposal with superior Authorities. The competent Authority shall take decision upon the need of continuing suspension orders in accordance with Service Regulations at the earliest. He further submits that if representation for stay of departmental enquiries against the petitioners is received within two weeks, employer shall attempt to take decision within next four weeks.

In this situation, we grant petitioners leave to make appropriate representation for stay of departmental enquiries and for review of suspension in accordance with Rules within a period of two weeks from today. If such representation is made, the employer shall consider question of grant of stay to the departmental enquiries as per law within next four weeks. The competent Authority shall also look into the need of review of suspension as per Rules at the earliest.

We continue our interim orders dated 27/6/2014 till employer takes decision on the question of stay of departmental enquiry in view of criminal prosecution.

The writ petitions are thus partly allowed
and disposed of. No costs.

Certified copy is expedited.

JUDGE

JUDGE

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