

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

WRIT PETITION NO.3188 OF 2014

(Mohan s/o Chintaman Gajbe vs. Maharashtra State Electricity Distribution Company Ltd. and another)

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

Shri P.B. Patil, Advocate for petitioner.

Shri A.D. Mohgaonkar, Advocate for respondents.

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

DATED : AUGUST 19, 2015

Heard respective Counsel for the parties.

The controversy is considered in the
backdrop of order passed by us today in Writ
Petition Nos. 2965/2014 and 2966/2014.

Adv. Patil for petitioner submits that after
alleged trap in view of demand dated 20/6/2009,
charge-sheet dated 19/7/2010 was served upon the
petitioner and after regular departmental enquiry,
punishment inflicted by the Disciplinary Authority
was modified by the Appellate Authority. One

increment of petitioner was directed to be withheld for one year with cumulative effect. The said order has attained finality. Thereafter for alleged demand by subordinate and consequential Anti Corruption raid dated 20/6/2009, a summary enquiry was proposed by issuing charge-sheet dated 7/12/2010 under Regulation 90 of MSEDCL. After Regulation 90 was quashed and set aside, it was withdrawn on 30/11/2013. On 6/2/2014, regular charge-sheet under Regulation 88 has now been issued.

Adv. Patil further contends that the Special Case has been decided on 15/9/2014 and petitioner, who was accused no.1 therein, has been honourably acquitted. In the light of that acquittal, second enquiry as proposed vide charge-sheet dated 6/2/2014 cannot continue now. The suspension also cannot continue now. In the alternative, it is submitted that as petitioner is already punished after enquiry in pursuance of charge-sheet dated 19/7/2010, issuance of second charge-sheet for the very same purpose is itself barred.

Adv. Mohgaonkar for respondents does not dispute the dates. However, he stated that

charge-sheet dated 19/7/2010 was not for raid by Anti Corruption Bureau and hence, judgment of acquittal dated 15/9/2014 has got no relevance on it. Later charge-sheet dated 6/2/2014 is for said demand and acceptance of bribe amount. As departmental enquiry has been proposed independently and before acquittal, it must be allowed to continue. Insofar as suspension order dated 25/6/2009 is concerned, according to Adv. Mohgaonkar, local Office has already written to superior Authority for its review and the competent Authority is examining this aspect.

We find that this Court has on 4/7/2014 stayed further proceedings in pursuance of charge-sheet dated 6/2/2014. We, therefore, grant petitioner leave to make appropriate representation pointing out his objections to the said charge-sheet and also to continuation of suspension. If such representation is made within a period of three weeks from today, the competent Authority shall look into it in accordance with law. Insofar as objection to issuance of charge-sheet dated 6/2/2014 or continuation of that enquiry in view of acquittal of petitioner on 15/9/2014 is

concerned, decision shall be taken by the appropriate Authority within a further period of six weeks.

The decision on question of need to continue order of suspension further shall be taken by the competent Authority within a period of four weeks after receipt of such representation.

With the above directions, we continue our interim order dated 4/7/2014 till appropriate decision upon need to continue the departmental enquiry in pursuance of charge-sheet dated 6/2/2014 is reached by the competent Authority. The petition is thus partly allowed and disposed of. No costs.

Certified copy is expedited.

JUDGE

JUDGE

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