

THE HON'BLE SRI JUSTICE DILIP B.BHOSALE

AND

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Appeal No.104 of 2007

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JUDGMENT: (per the Hon'ble Sri Justice Dilip B.Bhosale)

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The writ appeal is directed against the order, dated 19.10.2006 passed on W.P.M.P.No.3452 of 2006 and W.V.M.P.No.1705 of 2006 in W.P.No.2807 of 2006. By this order, petition filed by the appellants for vacating the interim order dated 12.02.2006 came to be rejected. By this order, while admitting the writ petition, interim stay as prayed for was granted. The petitioner, i.e. respondent No.1 in the instant appeal, had prayed for stay of further proceedings, pending before the Sub-Divisional Engineer (Dir)(BSNL).

While admitting the instant appeal, the following interim order was passed:

“The enquiry shall go on. However, the result of the enquiry shall not be given effect to, until further orders of this Court.”

Learned counsel appearing for the appellants submits that despite this order, the respondent is not cooperating to complete the enquiry. On the other hand, learned counsel for respondent, on instructions, submits that the respondent is prepared to cooperate in all respects to complete the enquiry till the stage of final result. He, on behalf of the respondent, undertakes to appear before the Enquiry Officer on the date/s fixed for conducting the enquiry. His undertaking is accepted. It is needless to mention that the Enquiry

Officer shall proceed with the enquiry, and complete the same as expeditiously as possible and preferably within a period of six (6) months from today. Further, it is needless to mention that the Enquiry Officer shall follow the principles of natural justice, while conducting the enquiry. He, however, shall not declare the outcome of the enquiry, until further orders, that will be passed in the writ petition.

In view of the submission made by Dr.A.Raghu Kumar, learned counsel for the respondent and the direction to complete the enquiry within time frame, learned counsel for the appellants does not press the writ appeal. Writ appeal is accordingly disposed of. No order as to costs.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B.BHOSALE,J

A.RAMALINGESWARA RAO,J

Dt:29.01.2015

GJ