

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3339 OF 2009

- 1 The Registrar,
Dr.Babasaheb Ambedkar Marathwada
University, Aurangabad.
- 2 The Principal,
College of Social Work,
Dr.Babasaheb Ambedkar Marathwada
University, Aurangabad.

...PETITIONERS

-VERSUS-

Dandgule Baburao Mahadu,
College of Social Work,
Dr.Babasaheb Ambedkar Marathwada
University, Aurangabad.

...RESPONDENT

WITH
CIVIL APPLICATION NO.12670 OF 2016
IN
WRIT PETITION NO.3339 OF 2009
Dandgule Baburao Mahadu vs. The Registrar/ Dr.BAMU & another.

...
Advocate for Petitioners : Shri S S Thombre.
Advocate for Respondent : Shri S S Choudhari.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 10th October, 2016

Oral Judgment :

1 The Petitioners are aggrieved by the judgment and order dated 25.06.2008 delivered by the Presiding Officer of the University and College Tribunal in Appeal No.BAMU-12/2007 by which the said appeal was allowed.

2 This Writ Petition was admitted by this Court by order dated 20.08.2009. No interim relief was granted.

3 Shri Thombre, learned Advocate for the Petitioners, has strenuously criticized the impugned judgment by which the order dated 21.08.2007, retiring the Respondent/ Appellant from service, was set aside and he was directed to be reinstated with continuity in service and full back wages. It was also concluded that the Petitioners are at liberty to initiate a disciplinary enquiry against the Respondent/ Employee by following the due procedure laid down in law.

4 I have considered the strenuous submissions of Shri Thombre and Shri Chaudhari, learned Advocates for the Petitioners and the Respondent, respectively.

5 It is apparent and as has been rightly concluded by the Tribunal that though the Respondent was an employee working as a

Superintendent of Petitioner No.2/ College affiliated to Petitioner No.1/ University, the Principal of the said College as well as the Registrar of the University had signed the charge sheet. The Registrar thereafter, became a member of the Enquiry Committee and the Principal of the said College became a witness and her evidence was recorded in the said enquiry. Naturally, the enquiry had to be set aside and has been rightly set aside by the Tribunal.

6 A peculiar situation has occurred pursuant to the impugned judgment. As this Court did not grant any stay to the impugned judgment, the Respondent/ Employee was paid his entire salary from August, 2007 till 31.07.2010 when he superannuated. The Respondent, who is present in the Court, confirms this statement twice.

7 The charges of sexual harassment were levelled against the Respondent. These charges cannot be treated lightly. The Tribunal, therefore, has rightly directed the Petitioners to conduct disciplinary proceedings against the Respondent. The Respondent, who is present in the Court, makes a statement which is confirmed by Shri Chaudhari on two occasions that he is willing to face the enquiry if the same is conducted as per the directions of the Tribunal.

8 Shri Thombre confirms, on instructions, that the Petitioners would ensure that the procedure laid down in law would be complied with and proper disciplinary proceedings would be initiated against the Respondent/ Employee.

9 In the light of the above, this Writ Petition is disposed of by recording the statement of the Petitioner and the Respondent as above.

10 Needless to state, the retiral benefits of the Respondent/ Employee, which have still not been paid due to the pendency of this petition, shall be subject to the result of the enquiry.

11 Rule is, therefore, discharged.

12 The pending Civil Application does not survive and is, therefore, disposed of.