

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

36 WRIT PETITION NO. 12025 OF 2016

ARUN GENDALAL KUDIYA
VERSUS
THE HIGH COURT OF JUDICATURE AT MUMBAI THROUGH ITS
REGISTRAR GENERAL AND ANOTHER

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Advocate for Petitioner : Mr. H.D. Deshmukh
Advocate for Respondent No.1 & 2:Mr. N.B. Khandare

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CORAM : R. M. BORDE & SANGITRAO S. PATIL, JJ.
Date: December 05, 2016

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PER COURT :-

1 A departmental enquiry was initiated against the petitioner, who was working as a Peon, in the District Court, Ahmednagar, for behaving in disorderly manner and entering the chamber of the Presiding Officer, in drunken state. During the conduct of enquiry, charges leveled against the petitioner were proved and major penalty of removal from service was inflicted. The departmental appeal preferred by the petitioner has also been turned down. The order of removal as well as the order dismissing the departmental appeal were subject matter of challenge in the Writ Petition No.4621/2009 presented by the petitioner. This Court declined to cause interference in the matter and dismissed the Writ Petition.

2 The petitioner contends that, the Criminal case initiated against the petitioner before the JMFC Court bearing S.T.C. No.7560/2006, has resulted in his acquittal and as such, he is entitled to be reinstated in employment.

3 It must be noted that, in the departmental enquiry proceedings, the petitioner has been found guilty of the charges leveled against him and punishment of removal from service has been imposed against him. Order issued in the departmental enquiry proceedings has attained finality by virtue of dismissal of departmental appeal, as well as the writ petition presented by the petitioner. The subsequent order of acquittal recorded by the criminal Court has no bearing on the departmental enquiry proceedings and penalty imposed thereunder.

4 The petition is devoid of substance and stands dismissed.

(SANGITRAO S. PATIL, J.)

(R. M. BORDE, J.)