

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 15643 OF 2015
IN
WRIT PETITION NO. 4758 OF 2014

Surendrasingh Govindsingh Rajput ...Applicant

versus

Maharashtra State Electricity Distribution
Company Liited and another ...Respondents

.....
Mr. Swapnil Joshi h/f Mr. A.S. Deshpande, advocate for the applicant
Mr. V.C. Patil h/f Mr. S.M. Godsay, advocate for the respondents
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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 16th SEPTEMBER, 2016

P.C. :-

1. The present application is filed for modification of operative order passed by this Court, dated 23.9.2015.

2. Mr. Joshi, learned counsel for the applicant submits that the applicant could not participate in the enquiry as the criminal case was pending. The applicant had challenged the same before this Court in writ petition No. 4758 of 2014. Learned counsel submits that present applicant was apprehensive of defence being disclosed, as such had not participated in the enquiry. The applicant had filed his say to the charges. Learned counsel submits that the applicant be given opportunity and *de-novo*

enquiry be commenced.

3. Learned counsel for the non applicants submits that the application is in the nature of review. The enquiry is almost concluded. It was for the applicant to participate in the enquiry. Ample opportunity was given to him. Even the enquiry report was submitted after conclusion of enquiry.

4. We have considered the submissions. Vide order dated 23.9.2015, we had granted stay to the enquiry for a period of one year, as criminal case was pending. We are not inclined to consider the arguments of the applicant for *de-novo* enquiry. The apprehension of the applicant was not totally unjustified in view of pendency of criminal case.

5. Considering the order, which we have passed in the writ petition and the fact that the applicant could not whole heartedly participate in the proceeding, we are inclined to give opportunity to the applicant to cross examine the witnesses that may have been examined by the respondent and also adduce further evidence.

6. In the light of above, we pass the following order:-

O R D E R

- I. The respondent Enquiry Officer shall allow the applicant to cross examine the witnesses that may have been examined by

respondent employer and shall further allow the applicant to adduce his evidence. The applicant shall co-operate in the enquiry and shall not seek any undue adjournment.

- II. After conclusion of enquiry as directed, the Enquiry Officer may submit fresh enquiry report.

7. With the above observations, civil application stands disposed of.
No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

rlj/