

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.14798 OF 2016
IN
WRIT PETITION NO.11219 OF 2014

Kirtichandra Bhalchandra Kale

Applicant

Versus

Maharashtra State Electricity

Distribution Company Ltd (MSEDCL)

through Its Managing Director and another

Respondents

Mr. Ajay S. Deshpande advocate for the applicant

CORAM : R.M. BORDE &
SANGITRAO S. PATIL, JJ

(Date : 25th November, 2016.)

PER COURT :-

1 Applicant has presented instant application seeking extension of period of stay in respect of departmental proceeding beyond period of one year from the date of order passed by this Court in Writ Petition no. 9394/2014 dated 23.09.2015.

2 While disposing of writ petition, relying upon judgment delivered by the Apex Court in the matters of **Stanzen Toyotetsu India Pvt. Ltd. Vs. Girish V. and others and Capt. M. Paul Anthony vs. Bharat Gold Mines Ltd.**, the Division Bench of this Court has passed following order :

ORDER

I.We direct the court dealing with the criminal charges against the petitioners to conclude the proceedings as expeditiously as possible, and preferably within a period of one year from the date of this order.

II.The interim orders granting stay to the ongoing disciplinary proceedings in each of the case shall remain in force for a period of one year from the date of this order.

III.In case the charge sheet is not filed or belatedly filed, the interim orders granting stay to the ongoing disciplinary proceedings in such case shall remain in force for a period of one year from the date of this order and the disciplinary proceedings initiated against the petitioners in those cases shall be resumed and concluded by the Enquiry Officer thereafter.

IV.We hope and trust that the trial court will take effective steps to ensure that the witnesses are served, appeared and examined accordingly.

V.The petitioners, who are accused in criminal case, shall co-operate with the trial court for early disposal of criminal proceedings.

VI.In case, the trial is not completed within a period of one year from today, despite the steps which the trial court has been directed to take, the disciplinary proceedings, initiated against the petitioners, shall be resumed and concluded by the Enquiry Officer.

VII.We make it clear that the interim orders staying ongoing disciplinary proceedings

shall in that case stand vacated upon expiry of a period of one year from the date of this order.

VIII.Registry may communicate this order to the concerned courts, where the criminal prosecutions against the petitioners are pending.

3 The Division Bench in the order itself has clarified that in the event of failure of the trial court to decide the criminal case within stipulated period of one year, interim order shall stand vacated. It has also been directed to the Enquiry Officer to conclude with the departmental proceeding at the end of the period of one year prescribed in the order. There is no reason to extend period as requested. Application is devoid of substance hence stands rejected.

(SANGITRAO S. PATIL, J)

(R.M.BORDE, J)