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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR.

WRIT PETITION No. 270 OF 2015

Hemant Daduramji Tetey

-Vrs.-

The Mah. State Electricity Distribution Co. Ltd., Mumbai, through its Executive Director
and another.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. Anand Parchure, counsel for petitioner.

Mr. A.D. Mohgaonkar, counsel for respondents

CORAM : B.P. DHARMADHIKARI AND
P.N. DESHMUKH, JJ.

DATED : 11th March, 2016

Advocate Parchure submits that in view of orders dated 18th February, 2016 in W.P. No. 2164/2015 and order dated 9.3.2016 in W.P. No. 2475/16, with similar observations and similar directions the present writ petition can also be disposed of.

Heard Mr. Parchure, learned counsel for the petitioner and Mr. A.D. Mohgaonkar, learned counsel for the respondents.

The parties do not dispute that the facts herein are covered by the orders dated 19.08.2015 in W.P. No. 2965 of 2014 and W.P. No. 2966/2014. Those orders are followed by this Court on 18.02.2016 while disposing of W.P. Nos. 2164 of 2015, 2188 of 2015 and 2651 of 2015. All these matters are argued by the present counsel who represent the parties before us.

In this situation, adopting the same reasoning, we

proceed to pass the following order.

The fact that orders of suspension have been withdrawn and petitioner is reinstated back in service, is not disputed.

This court has on 21.1.2015 while issuing notice in the matter, granted ad interim stay of Departmental Inquiry.

In the order dated 19.8.2015 (supra), this Court continued interim order as was passed in those petitions till the employer took decision on the question of stay of departmental inquiry in view of criminal prosecution. One of us (B.P. Dharmadhikari, J) is party to order dated 19.8.2015. In this situation, we find that present writ petition can also be disposed of with similar direction to the employer.

We, therefore, direct the respondents to consider whether inquiry instituted against the petitioner needs to be stayed or can be proceeded with considering the pending criminal prosecution under the Prevention of Corruption Act. The petitioner shall be given an opportunity to make appropriate representation before the respondents to take any decision in the matter. The petitioner shall submit his say in the matter within six weeks from today. The respondents shall then take suitable decision after considering that representation within next six weeks.

With these directions, writ petition is disposed of. However, there shall be no order as to costs.

JUDGE

JUDGE