

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.591/2016

Pravin s/o Vasant Palhade

...Versus...

The State of Maharashtra, through its Secretary, Law and Judicial Department,
Mantralaya, Mumbai – 32 and another

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

Court's or Judge's orders

Shri S.N. Gaikwad, Advocate for petitioner
Shri A.M. Balpande, AGP for respondent no.1
Shri F.T. Mirza, Advocate for respondent no.2

CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : 27.06.2016

By this petition, the petitioner challenges the charge-sheet issued by the respondent no.2 – Principal District & Sessions Judge, Buldhana, dated 6.1.2016 and seeks a direction against the respondent no.2 to drop the disciplinary proceedings, that are initiated against the petitioner.

It is the case of the petitioner that Shri Vitthal Bhagwan Hantode had wrongly made a complaint to the District and Sessions Judge, Buldhana on 15.4.2015 that the petitioner had illegally sought an amount of Rs.3,00,000/- from him for securing the employment for his son in the Maharashtra State Electricity Distribution Company Limited. It is the case of the petitioner that an departmental enquiry is contemplated against the petitioner on the said charge and a charge-sheet, dated 6.1.2016 is served on the petitioner. It is stated that an FIR is also

lodged against the petitioner with similar allegations. It is stated that the charges in the departmental enquiry and the allegations in the FIR are similar and hence, the charge-sheet, dated 6.1.2016 is liable to be quashed and set aside.

On hearing the learned Counsel for the parties and on a perusal of the charge-sheet, dated 6.1.2016, that is, impugned in the instant petition, we find that the petitioner is not entitled to the relief claimed. The charge-sheet is served on the petitioner recently and a departmental enquiry is initiated against the petitioner. At this stage, the departmental proceedings cannot be set aside and/or stayed, as we do not find that the allegations in the FIR and the charge-sheet served on the petitioner are identical. No charge-sheet is filed against the petitioner in the criminal case. In the impugned charge-sheet, the petitioner is charged of having misused his position in the office of the District and Sessions Judge, Buldhana and recovering a sum of Rs.3,00,000/- from Shri Vitthal Hantode for securing the employment for his son.

Since no case is made out for quashing and setting aside the charge-sheet and dropping the enquiry proceedings, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE