

IN THE COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO.2597/2016

(Vijay Purushottam Warekar vs. The State of Maharashtra & another)

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

Court's or Judge's order

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S/Shri M.S.Murugan/ S.S.Meshram, Advocate for the petitioner
Shri A.M.Kukday, Advocate for Respondent No .2

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

DATED : 3rd August, 2016

Heard.

The only prayer made by the petitioner in the instant Petition is for a direction to the learned Principal District & Sessions Judge, Nagpur-the Disciplinary Authority, to revoke the continued suspension of the petitioner since long, in view of the judgment of the Hon'ble Supreme Court, reported in **(2015) 7 SCC 291(Ajay Choudhary vs. Union of India)**. According to the petitioner, though the petitioner was suspended on 15.10.2013, and though a charge-sheet was served on the petitioner, the respondents are not taking further steps in the departmental proceedings. It is stated that in view of the judgment of the Hon'ble Supreme Court, it would be necessary to conclude the departmental proceedings within three months.

Shri A.M.Kukday, the learned counsel for the

respondent No.2 refers to the affidavit-in-reply filed on behalf of the respondent no.2 and states that the enquiry could not be completed as the petitioner was not cooperating with the Inquiry Officer. It is stated that from the *Roznama* (proceeding sheet) maintained by the Inquiry Officer, it is clear that the petitioner is solely responsible for the delay in conclusion of the departmental proceedings.

The learned counsel for the petitioner disputes the aforesaid statement and states that the petitioner had rendered his cooperation in the enquiry proceedings.

Be that as it may, since the respondents are ready to conclude the departmental proceedings within a time-frame if the petitioner cooperates, we dispose of the Writ Petition by accepting the statement made on behalf of the respondents that the departmental enquiry would be concluded within a period of two months from the date of appearance of the petitioner, before the Inquiry Officer, if the petitioner cooperates. The petitioner undertakes to appear before the Inquiry Officer on 18th August 2016.

Order accordingly. No costs.

JUDGE

JUDGE

sahare

C E R T I F I C A T E

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