

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6225 OF 2016
(Jaichand Rambhau Budruke Vs. The State of Maharashtra
and others)

Mr. Annasaheb S. Kadam, Advocate for the Petitioner
Smt. R.P. Gaur, A.G.P. for respondent Nos. 1 and 2
Mr. U.B. Bondar, Advocate for respondent No. 3

CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.

DATE : 23rd FEBRUARY, 2017

PER COURT :

Heard both sides.

2. The petition is filed to challenge the order of suspension, dated 4th September, 2015, passed by the Chief Executive Officer, Zilla Parishad, Latur, against the petitioner.

3. The petitioner is involved in a case registered under the Prevention of Corruption Act, 1988. In a trap laid, he accepted the bribe amount of Rs. 20,000/-. The amount came to be recovered from the dicky of his vehicle. The crime is registered for the offences punishable under sections 7, 13 read with section 13 (2) of the Prevention of Corruption Act. The impugned order

of suspension is issued against the petitioner due to the aforesaid incident and the bribe amount is allegedly accepted for discharge of the official duty by the petitioner.

4. It is the grievance of the petitioner that when he came to be suspended on 4th September, 2015, as yet, the chargesheet in respect of departmental enquiry against him is not served on him and even the criminal case is not filed against him in respect of the aforesaid incident. In this regard, the learned counsel for respondent No. 3 – Zilla Parishad produced on record the correspondence made by the police with the Zilla Parishad, showing that necessary steps were taken and a request is made to the Government by letter dated 7th June, 2016, seeking sanction to prosecute the petitioner. It appears that as yet, no decision is taken in that regard and the matter is still pending with the Government.

5. It is surprising that even the Zilla Parishad has not started departmental enquiry for which no such sanction is necessary. The learned counsel for the Zilla Parishad submitted that a show-cause notice came

to be issued on 14th July, 2016 and the delinquent – petitioner has replied the said notice.

6. The aforesaid circumstances would show nothing but the approach of both, Zilla Parishad and the Government while dealing with the serious matters like the present one. It is unfortunate that even in such cases, the concerned Department of the Government i.e. the disciplinary authority is not taking the appropriate steps which are expected of the concerned Government Department.

7. We expect of the Government to take decision as regards sanction to prosecute the petitioner within three months from today. We also expect the respondents that they would take the necessary steps with regard to initiation of the departmental enquiry within the said period, if the respondents find that the departmental enquiry is necessary after consideration of the reply given by the petitioner. We intend to pass further orders if such steps are not taken by the respondents, as directed above. Liberty is hereby granted to the petitioner to approach this Court again after three months for redressal of grievance, if any.

8. With the above directions, the Writ Petition is dismissed. No costs.

Sd/-
[**SANGITRAO S. PATIL**]
JUDGE

Sd/-
[**T.V. NALAWADE**]
JUDGE

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