

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 11870 OF 2016

Rushikesh s/o. Bhika Suryawanshi .. Petitioner
Age. 39 years, Occ. Service as
Junior Technician (Suspended)
R/o. Gadgebaba Nagar, Old Atruli Road,
Pachora, Tal. Pachora,
Dist. Jalgaon.

Versus

1. Maharashtra State Electricity .. Respondents
Distribution Company Ltd. (MSEDCL)
Having its Office at "Prakashgad",
6th Floor, Station Road, Bandra (E),
Mumbai – 400 051.
Through its Managing Director.
2. The Regional Executive Director-II
AND Competent Authority,
MSEDCL, having its office at Building No.2,
Flat No.1 and 2, Officers' Colony,
Ganeshkhind Road, Pune 411 016.

Mr.S.S. Thombre, Advocate for the petitioner.
Mr.Anil S. Bajaj, Advocate for respondent Nos.1 and 2.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.**

DATED : 15.11.2017

ORAL JUDGMENT [PER : S.V. GANGAPURWALA,J.] :-

1. Heard Mr. S.S. Thombre, learned Counsel for the petitioner and Mr. A.S. Bajaj, learned Counsel for the respondents.

2 The facts giving rise to the instant petition are identical in all respects to the facts of the decided group of matters i.e. **W.P. No.4045 of 2015** (Subhash s/o Babulal Jaiswal Vs. Managing Director, MSEDCL & others), and companion matters, decided on 06.10.2016 and as such, instant petition can be disposed of by issuing similar directions, as have been issued in the aforesaid group of petitions.

3 Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

4 In view of the law laid down by the Hon'ble

Supreme Court in the matter of **State Bank of India and others Vs. Neelam Nag**, reported in 2016 (8) SCALE 826 and for the reasons recorded in the judgment delivered by Division Bench of this Court in W.P. No.4758 of 2014 and companion matters, decided on 23.09.2015, this petition stands disposed of with following directions:

(I) We direct the Court, dealing with the Criminal charges against the petitioner, 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 order, granting stay to the ongoing disciplinary proceedings, 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 order, 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 petitioner in those proceedings shall be resumed and concluded by the Inquiry 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 petitioner, who is accused in criminal case, shall cooperate 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 Court where the criminal prosecution against the petitioner is pending.

5 Writ Petition stands disposed of accordingly.
Rule is made absolute in above terms. No costs.

[S . M . GAVHANE , J .]

[S . V . GANGAPURWALA , J .]