

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

BENCH AT AURANGABAD.

WRIT PETITION NO.13443 OF 2017

Nitin S/o Shankar Kamble ... Petitioner.

Versus

Maharashtra State Electricity
Distribution Company
Ltd. and another. ... Respondents.

...

Mr.S.S.Thombre, advocate for the petitioner
Mr.S.G.Karlekar, A.G.P. for the State.
Mr.A.S.Bajaj, advocate for Respondent No.1.

...

**CORAM : S.V.GANGAPURWALA AND
V.L.ACHLIYA, JJ.**

Date : 21.12.2017.

PER COURT :

1. Learned counsel submits that the Criminal case is filed against the petitioner for offence punishable under Prevention of Corruption Act and at the same time Departmental Enquiry is also initiated.

2. Mr.Bajaj, learned counsel submits that incident No.2 concerning Jaiwant Ananda Chandne, is not concerned with the Criminal case.

3. In similar set of facts, we have disposed of the matters.

4. We follow the same course.

5. Rule. Rule made returnable forthwith and heard finally by consent of learned counsel for respective parties.

6. 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.

7. The present order would operate so far as Departmental Enquiry is concerned excluding the charge in relation with Jaiwant Ananda Chandne. The Departmental Enquiry in respect of same may be continued.

8. Rule made absolute in above terms. No costs.

(V.L.ACHLIYA, J.)

(S.V.GANGAPURWALA, J.)

