

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5975 OF 2016

Prafulla R. Ahir

....Petitioner

V/s.

All India Shri Shivaji Memorial
Society & Ors.

....Respondents

Mr. Yashodeep Deshmukh i/by Prabha U. Badadare, Advocates for
Petitioner.

Mr. G.S.Godbole i/by Mr. A.A.Vibhute, Advocates for Respondent
Nos.1 and 2.

**CORAM :- B.R.GAVAI &
SANDEEP K. SHINDE, JJ.**

DATE :- 16TH NOVEMBER, 2017.

PC. :-

It is the contention of the Petitioner that for the same incident, the Petitioner was already penalised vide order dated 2.11.2015 and now again for the very same reason, departmental proceedings are initiated. It is, therefore, submitted that the present departmental proceedings are vitiated on the principle of double jeopardy. We have perused the memo of charges. Memo of charges includes various other additional grounds in addition to the ground for which the Petitioner was penalised by withholding one

increment vide order dated 2.11.2015.

2 Employer is always entitled to proceed against an employee departmentally if it is prima-facie satisfied with regard to the misconduct of an employee. In the present case, not only charge-sheet was filed at which point of time Petitioner approached this Court but upon evidence being commenced and sought interim relief. If there are any false charges in the departmental proceedings and if the final order is passed in the departmental proceedings against the interest of the Petitioner, the Petitioner can always raise challenge to the findings and action taken by the Management against him before the appropriate forum.

3 In that view of the matter, we donot find that case is made out for interference in the present Petition. The Writ Petition is rejected.

(SANDEEP K. SHINDE, J)

(B.R.GAVAI, J)