

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

WRIT PETITION NO.6063 OF 2017

Vishwanath Laxman Jadhav

..Petitioner

Versus

Maharashtra State Electricity
Distribution Co.Ltd., through
its Managing Director & anr.

..Respondents

Mr Ajay S.Deshpande, Advocate for petitioner
Mr A.S. Bajaj, Advocate for respondent no.1

**CORAM : S.V. GANGAPURWALA &
A.M. DHAVAL, JJ**

DATE : 1st March 2018

PER COURT

1. Mr Deshpande, learned Counsel for the petitioner states that the petitioner is serving with the respondent as Senior Technician. A false complaint is filed against the petitioner under the provisions of Prevention of Corruption Act and same is pending. The petitioner is placed under suspension on 5.1.2016. Subsequently, charge is issued.

2. Learned Counsel submits that the charges in the departmental inquiry and the criminal case are substantially the same. Learned Counsel relies on the judgment of the Apex Court in the case of **Paul Anthony vs. Bharat Gold Mines Ltd.**, reported in **(1999) 3 SCC 679.**

3. Learned Counsel for respondent no.1 submits that the charges in the departmental inquiry and the criminal case are different. There

are various charges against the petitioner with regard to causing loss to the company, not supervising the work properly and negligence in the performance of work. There are also charges with regard to impropriety and misconduct. In view of the fact that the charges are different, the evidence also would be different. The departmental inquiry proceedings cannot be stayed. Even otherwise the standard of proof in criminal case and departmental inquiry is different.

4. We have considered the submissions canvassed by the parties. In group of matters we have taken a view that when the charges in the departmental inquiry and the criminal case are the same, then the departmental inquiry was stayed for one year. We had passed the following order:

“I. We direct the court dealing with the criminal charges against the petitioners 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 orders granting stay to the ongoing disciplinary proceedings in each of the case 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 orders 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 petitioners in those cases shall be resumed and concluded by the Enquiry 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 petitioners, who are accused in criminal case, shall co-operate 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 Courts, where the criminal proceedings against the petitioners are pending”.

5. In the present case, it would appear that charge nos.4 and 6 are different and are not related to the criminal case. The other charges, it appears, are the same as in criminal case.

6. Considering the aforesaid aspect of the matter, we pass the following order :

(I) The respondent may continue with the departmental inquiry in respect of charge nos.4 and 6. In respect of charge nos.1, 2, 3, 5, 7 & 8

the order passed in Writ Petition No.4758 of 2014 with other Writ Petitions reproduced supra shall operate.

(II) We are intimated that even the charge-sheet is filed on 21.7.2016. We expect the Sessions Court to make an endeavour to decide the criminal case within one year.

8. Writ Petition disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

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