

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

**WRIT PETITION NO. 9051 OF 2016
WITH
CIVIL APPLICATION NO. 9192 OF 2018
IN
WRIT PETITION NO. 9051 OF 2016**

Pramod Namdeo Mahajan

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....

Mr. V.Y. Patil, Advocate for petitioner.

Mrs. M.A. Deshpande, A.G.P. for respondent no.1 – State.

Mr. S.M. Godsay, Advocate for respondent nos. 2 to 4.

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**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.**

DATED : 26th OCTOBER, 2018

ORDER :

We have heard Mr. Patil, the learned Counsel for the petitioner and the learned A.G.P. for the respondent – State.

2. The petitioner challenges the Service Regulation 88 of the Maharashtra State Electricity Distribution Company's Employee Service Regulation 2005. In the writ petition, we do not find any ground raised so as to conclude that regulation 88 is ultra vires the Articles 14 and 21 of

the Constitution of India. The Departmental Enquiry is concluded. Under order dated 26th September, 2016, this Court directed the respondent – establishment to take final decision and submit copy of the decision on the record of petition. Final decision in enquiry proceedings shall not be given any effect until further orders and such decision would be subject to outcome of the petition.

3. The final decision has already been taken by the respondent. We have opened the sealed envelope deposited with this Court in regard to Departmental Enquiry and the decision therein. The respondent shall serve the copy of final decision in the Departmental Enquiry on the petitioner. It would be open for the petitioner to assail said decision in accordance with law. In that event, all contentions of the petitioner about acquittal in criminal case and all other contentions raised in the present petition, except challenging regulation 88 of the Maharashtra State Electricity Distribution Company's Employee Service Regulation 2005 are kept open. Writ Petition is accordingly disposed of. In view of disposal of Writ Petition, Civil Application is also disposed of.

(R.G. AVACHAT, J.)

(S.V. GANGAPURWALA, J.)

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