

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

82 WRIT PETITION NO. 7177 OF 2016

SITARAM MAHADU BONDLE
VERSUS
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD
THROUGH ITS MANAGING DIREC

...
Advocate for Petitioner : Mr. Deshpande Ajay S.
AGP for respondent no. 1 : Mr. A.P. Basarkar
Advocate for Respondent No. 2 : Mr. Malte Uday S.

...

**CORAM : S.V.GANGAPURWALA
AND
SUNIL K.KOTWAL, JJ.**

DATE : JUNE 25, 2018

O R D E R :

1. Mr. Deshpande, learned counsel for petitioner submits that the petitioner is prosecuted under the provisions of Prevention of Corruption Act. At the same time, for the same charges departmental inquiry is proceeded. The learned counsel submits that even some of the charges in the departmental inquiry, though deal with negligence, the genesis is in the criminal case and those charges also cannot be proceeded with.

2. The learned counsel relies on the judgment of the Apex Court in the case of **State Bank of India and Others Vs. Neelam Nag [2016 (8) SCALE, 826]** as well as the judgment delivered by the Division Bench of this court in Writ Petition No. 4758 of 2014 and other companion matters decided on 23.9.2015.

3. Mr. Malte, learned counsel for the respondent submits that there are other charges also in the departmental inquiry, which cannot be stalled on account of pendency of the criminal case. Those charges can be proceeded with. It is stated that in the criminal case filed against the petitioner before the Sessions Judge, the charge-sheet is also filed.

4. It has been held by this Court in Writ Petition No. 9553 of 2016 that parallel proceedings in criminal case and departmental proceeding may not proceed and the criminal case was directed to be decided within one year and if the criminal case is

not decided within a year then the departmental inquiry may proceed further.

5. In respect of charges which are not concerned with the criminal case then there would be no bar to proceed with the departmental proceedings.

6. The charges in the departmental proceeding are as under :

" १. ज्यामुळे कंपनीचे नुकसान झाले आहे अशी अक्षम्य हयगय.
(मरावीविकं मर्यादित कर्मचारी सेवाविनियम २००५ मधील अनुसूची-ख
मधील अनु. क्र.६)

२. कंपनीशी अप्रामाणिकपणा करणे.
(मरावीविकं मर्यादित कर्मचारी सेवाविनियम २००५ मधील अनुसूची-ख
मधील अनु. क्र.१४)

३. कंपनीशी द्रोह ठरणारी कृत्य करणे.
(मरावीविकं मर्यादित कर्मचारी सेवाविनियम २००५ मधील अनुसूची-ख
मधील अनु. क्र.१५)

४. इलेक्ट्रिक पोल पाडल्यामुळे पोलीस केस न करण्यासाठी लाचेची
मागणी करून लाच स्वीकारणे.
(मरावीविकं मर्यादित कर्मचारी सेवाविनियम २००५ मधील अनुसूची-ख
मधील अनु. क्र.२१)

५. निष्काळजीपणा व कामाकडे दुर्लक्ष करणे.
(मरावीविकं मर्यादित कर्मचारी सेवाविनियम २००५ मधील अनुसूची-ख
मधील अनु. क्र.२३)

६. जनमानसातील प्रतिमा मालिन करणे.
(मरावीविकं मर्यादित कर्मचारी सेवाविनियम २००५ अनु. क्र.८६(४)
च्या खालील टिपेनुसार) "

7. Considering the above, we pass following
order :

(i) The Sessions Judge, Biloli shall
decide pending Sessions Case No. 5 of 2015,
expeditiously and preferably within one
year.

(ii) The respondents shall not proceed
with the departmental inquiry with regard
the charges concerning the criminal case.

(iii) Apart from the charges, which are
to be dealt with by the criminal case, the
departmental inquiry need not be stalled.

(iv) In case the Sessions Judge does
not conclude the proceedings within one

year, then there would be impediment for the respondents to proceed with the departmental inquiry for all charges.

(v) Writ petition is disposed of. No costs.

(vi) The registry shall communicate this order to the concerned Sessions Judge.

[**SUNIL K.KOTWAL, J.**] [**S.V.GANGAPURWALA, J.**]

dbm/