

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

WRIT PETITION NO. 15211 OF 2017

Dinkar s/o Punjaji Saudagar .. Petitioner

Versus

State of Maharashtra and ors. .. Respondents

Mr A.G. Ambetkar, Advocate for petitioner
Mrs V.N. Patil Jadhav A.G.P. for respondents

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

DATE : 4th January 2018

PER COURT

Heard.

2. The petitioner is terminated from service on account of the prosecution lodged against the petitioner under the provisions of Prevention of Corruption Act. The original application filed by the petitioner against the order of termination is dismissed and, therefore, present petition.

3. Learned Counsel for the petitioner submits that against the judgment and order convicting the petitioner for the offence under the provisions of Prevention of Corruption Act, the petitioner has filed appeal before this Court. The appeal is admitted and the sentence is suspended. The Tribunal failed to take into consideration this aspect.

4. The learned A.G.P. supports the order of Tribunal and submits that the Tribunal has considered all the relevant aspects of the matter.

5. We could have considered the prayer of the petitioner if the conviction was suspended. Petitioner stands convicted for the offence punishable under Sections 7 read with Sec.13 (1) and 13 (2) of the Prevention of Corruption Act. The conviction is not suspended by this Court in the appeal.

6. In the light of that, the Tribunal has not committed any error in dismissing the original application of the petitioner.

7. Writ Petition stands disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

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