

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

WRIT PETITION NO.3583/2019

**MOTILAL CHUNILAL BAINADE
VERSUS
UNION OF INDIA AND OTHERS**

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**Advocate for petitioner : Patil Paresh B.
ASG for Respondents: Amar Soman h/f S.B.Deshpande**

**CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATE : 02/08/2019

PER COURT :

It is submitted that the criminal proceedings and the disciplinary inquiry are based on similar charges i.e. receiving illegal gratification. Some witnesses are examined in criminal cases. Disciplinary proceedings are also proceeded further. In similar cases in Writ Petition No.4758/2014 with connected Writ Petitions this Court under order dated 23/9/2015 had stayed the disciplinary inquiry pending criminal case for a period of one year.

2] It is not disputed that the petitioner is similarly situated. In light of the above, we follow the same course and pass 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 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 effect steps to ensure that the witnesses are served, appeared and examined accordingly.

V] The petitioners, who are accused in criminal case shall cooperate 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.

3] Writ Petition disposed of. No costs.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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