

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

69 WRIT PETITION NO.10176 OF 2018

ARVIND DHONDIBA INGALE
VERSUS
THE CHAIRMAN AND MANAGING DIRECTOR MSEDCL AND OTHERS

...

Advocate for Petitioner : Mr Patil Pramod D
Advocate for Respondents : Mr Bajaj Anil S.

**CORAM : S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.**

DATE : 4th September, 2019

ORDER:

1. Heard Mr Patil, learned Counsel for the petitioner and Mr. Bajaj, learned Advocate for the respondents.

2. One of the contentions of the petitioner is that enquiry was conducted under Regulation 90 of the MSEDCL Employees Service Regulation 2005. It is an undisputed fact that Regulation 90 of the said Regulation has been held to be ultra virus. The enquiry proceeding was conducted relying on Regulation 90 of the Regulation. In light of that the impugned order passed on the basis of enquiry initiated under Regulation 90 cannot be sustained. The impugned order assailed by the petitioner as such is quashed and set aside.

3. Needless to state that the respondent is at

liberty to conduct enquiry as contemplated under Regulation 88 of the said Regulations. If the enquiry is conducted under Regulation 88, the respondents shall also take into consideration the decision with regard to the suspension period.

4. Mr. Bajaj, the learned counsel submits that enquiry under Regulation 88 shall be commenced within four months.

5. Writ petition is accordingly disposed of. No costs.

(ANIL S. KILOR, J.)

(S.V.GANGAPURWALA, J.)

JPC