

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10655 OF 2018

MAHENDRA DATTATRAYA NIKALJE

VERSUS

THE ZONAL MANAGER (APPELLATE AUTHORITY),
LIFE INSURANCE CORPORATION OF INDIA AND OTHERS

...

Advocate for Petitioner :

Mr. Nimbalkar Aniruddha A.

Advocate for Respondents No. 1 to 3 :

Mr. Ajit D. Kasliwal

...

CORAM: S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.

DATE: 20th FEBRUARY, 2019

PER COURT :

1. Mr. Nimbalkar, learned Advocate for the petitioner submits that the petitioner was removed from service on the ground that the petitioner stood convicted by the Judicial Magistrate First Class at Ambajogai for the offence punishable under Section 325 of the Indian Penal Code, 1860. The learned counsel submits that in Criminal Appeal No. 12 of 2015 the petitioner was acquitted by the Sessions Court at Ambajogai on 17.04.2018.

The petitioner immediately on 25.04.2018, filed application to the Authority for reinstatement as the petitioner has been acquitted.

2. Mr. Nimbalkar, the learned Advocate further submits that the removal of the petitioner from service was sheerly on the ground of conviction in the criminal case. The departmental enquiry was dispensed with.

3. Mr. Kasliwal, learned counsel for respondents submits that the application moved by the petitioner dated 25.04.2018 has been processed and also forwarded to the higher authority for taking decision.

4. It has been submitted by the learned counsel for respondents that the application of the petitioner for reinstatement after the acquittal in the criminal case is processed and also forwarded to the decision making authority.

5. We are not considering the matter on merits.

6. The respondent / authority shall take decision upon the application of the petitioner (*Exhibit K, Page No. 83*) filed for reinstatement upon acquittal in the criminal case on its own merits, in accordance with law, expeditiously and preferably within a period of two (02) months from today. All contentions of respective parties are kept open.

7. Writ Petition stands disposed of accordingly.
No costs.

[A. M. DHAVAL, J.] [S. V. GANGAPURWALA, J.]

marathe