

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6303 OF 2014

Nivrutti V. Salunkhe

.. Petitioner

Vs.

State of Maharashtra

Through Ministry of Agriculture,

Mantralaya, Mumbai & Ors.

.. Respondents

.....

Mr.Niranjan A. Mogre, Advocate for the Petitioner.

Ms.Geetanjali Shinde, APP for Respondent No.1 – State.

Mr.Sanjeev P. Kadam, Advocate for Respondent Nos2 to 5.

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**CORAM : A.A. SAYED AND
PRAKASH D. NAIK, JJ.**

DATED : AUGUST 21, 2019.

P.C. :

Learned AGP has drawn our attention to the Additional Affidavit-in-Reply filed by Mr.Prabhakar Balasaheb Patil, Sub Divisional Agricultural Officer, Karad, District-Satara dated 27th June, 2016. Paragraphs 6 and 7 of the said Affidavit-in-Reply read as follows:

“6 I further state that the departmental enquiry was conducted by Competent Officer by following all the rules and regulations. Now, after the final conclusion

of the enquiry are submitted and the penalty is imposed, the Petitioner is trying to mislead this Hon'ble Court by mentioning two different scheme names in additional Affidavit. In fact, the Petitioner is trying to prolong the proceedings pending before this Hon'ble Court.

7 *I state that on the basis of findings of the Enquiry Officer necessary investigation was carried out by the then Deputy Director of Agriculture, District Superintending Agricultural Officer, Satara resulting into not finding any criminal act being committed by the present Respondents. As no criminal offence was disclosed in the Departmental Enquiry, the Government did not find it necessary to lodge criminal prosecution against the present Respondents. Hence, the Petition filed by Petitioner is liable to be disposed of with costs."*

2 In view of the above, the Petition is really speaking worked out. Insofar as prayer Clause (aa) is concerned, it is not in dispute that the concerned officer Shri Uttamrao Desai is already transferred. The learned Counsel for the Petitioner therefore does not press Clause (aa).

3 In the circumstances, no further orders are required to be passed in the Petition.

4 The Writ Petition to stand disposed of.

5 We, direct Mr.Prabhakar Balasaheb Patil, Sub
Divisional Agricultural Officer, Karad, District-Satara to forward
a copy of the decision of the State Government in the
Departmental Enquiry as mentioned in paragraphs 6 and 7 of the
Affidavit-in-Reply filed by him to the Petitioner within three weeks
from today.

(PRAKASH D. NAIK, J.)

(A.A. SAYED, J.)