

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

**CIVIL APPLICATION STAMP NO.12977 OF 2020
IN
WRIT PETITION NO. 5059 OF 2019**

Prashant Fulchand Magar ... Applicant
Versus
Union of India and others ... Respondents

**WITH
CIVIL APPLICATION STAMP NO.12987 OF 2020
IN
WRIT PETITION NO. 5060 OF 2019**

Ram Narayan Yadav ... Applicant
Versus
Union of India and others ... Respondents

**WITH
CIVIL APPLICATION NO. 4528 OF 2020
IN
WRIT PETITION NO. 3583 OF 2019**

Motilal Chunilal Bainade ... Applicant
Versus
Union of India and others ... Respondents

**WITH
CIVIL APPLICATION NO. 4545 OF 2020
IN
WRIT PETITION NO.5082 OF 2019**

Babulal Samadhan Dhokne ... Applicant
Versus
Enquiry Officer,
Railway Protection Force, Akola and others ... Respondents

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Mr. S.S. Patil, Advocate for applicants in CA St.Nos.12977/2020 and 12987/2020

Mr. P.B. Patil, Advocate for applicant in CA No.4528/2020

Mr. K.C. Sant, Advocate for applicant in CA No.4545/2020

Mr. S.B. Deshpande, A.S.G. for C.B.I.

Mr. A. B. Chate, and Ms G. L. Deshpande, AGPs for the State

Mr. M. N. Nawandar, Advocate for respondent Nos. 1 to 4

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**CORAM : S. V. GANGAPURWALA AND
R. G. AVACHAT, JJ.**

DATED : 10th AUGUST, 2020

PER COURT :-

. All the writ petitions were filed seeking stay to the disciplinary proceedings on the ground criminal trial is pending. This Court has disposed of the writ petitions by speaking order and stayed the disciplinary proceedings for a period of one year. It was directed that the trial be completed within one year. If the trial is not completed within one year, the disciplinary proceedings shall be resumed and conclude the same by the Inquiry Officer.

2. Under the present civil applications, one of the reliefs sought is to extend the period of stay to the disciplinary proceedings by one year as the trial is not proceeding further due to Covid-19 pandemic.

3. We have heard the learned Advocate for the applicants and the non applicants.

4. The extra ordinary situation has arisen because of Covid-19 pandemic. The evidence is not recorded by the Sessions Court after 24.03.2020, because of Covid-19 pandemic. The said situation, today, also is continuing. We are informed that hearing in physical form has commenced before the Sessions Court.

5. Considering the extra ordinary situation arisen because of the Covid-19 pandemic and the fact that it was not a fault of any party in the proceedings in not proceeding with the trial, we are inclined to extend the stay granted to the disciplinary proceedings by six months.

6. We hereby direct that the period mentioned in the operative part of the order while disposing of the writ petitions for stay of disciplinary proceedings for a period of one year, shall stand modified to the extent that pending trial, the disciplinary proceedings shall stand stayed for a period of one and half year, instead of one year. If, after the lapse of one and half year from the

date of the orders passed by this Court disposing of the writ petitions, the trial is not concluded, then the disciplinary authority shall proceed with the disciplinary proceedings.

7. The civil applications are accordingly disposed of.

[R. G. AVACHAT, J.]

[S. V. GANGAPURWALA, J.]

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