

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

**3 CIVIL APPLICATION NO.7256 OF 2021  
IN  
WP/3583/2019**

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

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Advocate for Applicant: Mr. Patil Paresh B.  
Standing Counsel for Respondent No. 1:  
Mr. Bhushan Kulkarni  
Advocate for Respondents No. 2 & 3:  
Mr. Amar Soman h/f. Mr. D. V. Soman

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**CORAM: S. V. GANGAPURWALA &  
R. N. LADDHA, JJ.**

**DATE: 02<sup>nd</sup> AUGUST, 2021**

**PER COURT:**

1. Mr. Patil, learned Counsel for the petitioner submits that because of the pandemic the trial could not be concluded and now only two witnesses are remained as such time be extended.

2. Mr. Soman, learned Counsel for respondents no. 2 and 3 opposes the request and submits that this is 3<sup>rd</sup> application for extension.

3. We had stalled the departmental enquiry against the petitioner under the judgment and order dated 02.08.2019 for a period of 1 year on the ground that criminal prosecution is pending. Subsequently because of the pandemic, pursuant to the civil application filed by the petitioner we extended the time by 6 months twice.

4. We are not inclined to exercise our writ jurisdiction, more particularly, when the enquiry was stalled for a period of 1 year only. We had also observed that if the prosecution is not concluded within 1 year, the respondent can proceed further with the enquiry. We are not inclined now to further entertain the present civil application.

5. Civil Application is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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