

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

WRIT PETITION NO. 7829 OF 2020

Rahul S/o Vitthal Tandale

... Petitioner.

Versus

Union of India
and others

... Respondents.

....

Mr. P.B. Patil (Borse), Advocate for the Petitioner.

Mr. M.N. Navandar, Advocate for all the Respondents.

....

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 03rd MARCH, 2021

PER COURT:-

1. We have heard Mr. Patil, learned counsel for the petitioner and Mr. Navandar, learned counsel for all the respondents.

2. Mr. Navandar, learned counsel for the respondents, on instructions of the respondents, makes a statement that at present the departmental enquiry will be proceeded *qua* charge No.1 only and the departmental enquiry will not be initiated at present for charge No.2 and the same would be initiated only after the decision in the criminal case.

3. The charge No.1 reads thus:

“The petitioner was permitted for weekly rest on 06.12.2019, also was given permitted weekly rest on 7.1.2019 to 23.12.2019. The petitioner was to join duty/remain present on 26.12.2019 but, without seeking permission he was absent for further more 3 days. Therefore, petitioner is charged Under/Rule-147(vi) of the R.PF. Rules, 1987”

4. The petition is filed on the premise that the criminal case is lodged against the petitioner under Section 307 of the Indian Penal Code and for the same purpose, the departmental enquiry is also being initiated. The petitioner sought stay to the departmental enquiry.

5. The charge No.1 is independent of the criminal case filed against the petitioner. The charge No.1 is on the premise that the petitioner was absent from the duty. The said charge is not related with the criminal case filed against the petitioner. The respondents can certainly proceed ahead with the departmental enquiry qua the first charge.

6. As the statement has been made by the learned counsel for the respondents / upon instructions of the respondents that charge No.2

would not be enquired till the criminal case is decided. No further orders are required in the present writ petition.

7. The writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P Rane