

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

980 WRIT PETITION NO.11094 OF 2017

ASHOK GOVINDRAO KENDRE
VERSUS
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD
THROUGH ITS MANAGING DIRECTOR AND ANOTHER

...
Advocate for Petitioner : Mr. Deshpande Ajay S.
Advocate for Respondents : Mr. Anil S. Bajaj

CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.

DATE : 28th January, 2021

ORDER:

1. We have heard Mr. Deshpande, the learned counsel for the petitioner and Mr. Bajaj, the learned counsel for the respondents.
2. Grievance of the petitioner is that for the charges framed under departmental enquiry, criminal prosecution is also lodged and it is pending.
3. It is submitted that Charge Nos. 1, 2 and 6 in the departmental enquiry are not concerned with the criminal prosecution lodged against the petitioner.
4. Reliance is placed on the judgment and order dated 10th February, 2017 in Writ petition No. 1021/20017 by Mr. Bajaj, the learned counsel for the respondents.
5. In light of the aforesaid judgment, we follow the same course.
6. The respondents may continue with the departmental enquiry in respect of charge Nos. 1, 2 and 6.

7. With regard to charge nos. 3 to 5 and 7, the same shall be stayed for a period of one year.

8. In respect of charges 3 to 5 and 7, the orders, passed in writ petition No. 4785 of 2014 with other writ petitions, reproduced below, shall operate.

- I. We direct the court dealing with the criminal charges against the petitioner to conclude the proceeding as expeditiously as possible and preferably within a period of one year from the date of this Order.
- II. The interim orders granting stay to the ongoing disciplinary proceedings shall remain in force for a period of one year from the date of this order.
- III. In case the charge sheet is not filed or belatedly filed, the interim orders granting stay to the on going disciplinary proceedings shall remain in force for a period of one year from the date of this order and the disciplinary proceedings initiated against the petitioner shall be resumed and concluded by the enquiry officer, thereafter.
- IV. We hope and trust that the trial court will take effective steps to ensure that the witnesses are served, appeared and examined accordingly.
- V. The petitioner, who is accused in criminal case, shall cooperate with the trial court for early disposal of criminal proceedings.

VI. In case, the trial is not completed within a period of one year from today, despite the steps which the trial court has been directed to take, the disciplinary proceedings, initiated against the petitioner shall be resumed and concluded by the Enquiry Officer.

VII. We make it clear that the interim orders staying ongoing disciplinary proceedings shall in that case stand vacated upon expiry of a period of one year from the date of this order.

VIII. Registry may communicate this order to the concerned Court, where the criminal prosecution against the petitioner is pending.

9. Writ petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC