

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

981 WRIT PETITION NO.13065 OF 2017

**KIRAN NIVRUTTI MHETRE
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. Shahane, the learned counsel for the petitioner and Mr. Bajaj, the learned counsel for the respondents.
2. Grievance of the petitioner is that criminal prosecution is lodged against the petitioner and for the same charges, departmental enquiry is also initiated.
3. Reliance is placed by the learned counsel for the petitioner on the judgment of the Court dated 23.09.2015 in Writ Petition No.4758/2014 with connected matters.
4. It is not disputed that evidence has not yet been recorded in the departmental enquiry proceedings and the judgment dated 23.09.2015 in Writ Petition No.4758/2014 with connected matters referred to by the petitioner is in respect of similarly situated candidates and against the same respondents.
5. For the reasons recorded in the judgment dated 23.09.2015 in

Writ Petition No.4758/2014 with connected matters, we adopt same course and pass following order.

O R D E R.

- 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.

6. Writ petition is disposed of accordingly. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC