

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

987 WRIT PETITION NO.15363 OF 2017
WITH CA/6552/2021 IN WP/15363/2017

**CHANDAN TUKARAM SABLE
VERSUS
THE CHAIRMAN INDUSTRIAL RELATION DIVISION HUMAN
RESOURCES KARNATAKA STATE AND OTHERS**

...
Advocate for Petitioners : Mr. J.V. Deshpande
AGP for Respondents 1 to 4 : Mr. V.D. Salunke
...

**CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, JJ.**
DATED : 12/10/2021.

PER COURT :

. Heard Mr. Deshpande, learned advocate for the petitioner.

2. The present petition is filed for quashing the chargesheet dated 28.8.2017 pursuant to which enquiry is initiated by the employer against the petitioner.

3. Mr. Deshpande, learned advocate submits that on the same charges criminal case was also filed against the petitioner.

The petitioner is acquitted in the said criminal case. The learned counsel submits that the basis for filing the criminal case against the petitioner is enquiry conducted by C.B.I. and the present chargesheet, if issued on the basis of the enquiry report of C.B.I., the same also deserves to be set aside. The petitioner has already filed the copy of the judgment in the criminal case before the enquiry committee.

4. Mr. Salunke, learned advocate for respondents submits that departmental enquiry is the independent proceeding and it is not depended on the judgment in criminal case. The burden of proof in departmental enquiry and criminal case is different. There are two chargesheets in departmental enquiry and the same would not be limited to the criminal case.

5. The petitioner has already filed the copy of judgment delivered in the criminal case. Naturally the disciplinary authority and enquiry officer would consider all the defences raised by the petitioner and evidence of the prosecution witnesses. The criminal case is already decided. The effect of the same would be

considered by the authorities on its own merits.

6. In the light of above, writ petition is disposed of. No costs.

7. In view of disposal of the writ petition, civil application is also disposed of.

[R.N. LADDHA, J.]

[S.V. GANGAPURWALA, J.]

ssc/