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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11585 OF 2019

Sandip Ramchandra Jadhav] .. Petitioner

vs.

Maharashtra State Electricity Transmission]

Company Ltd. (MSETCL) & Anr.] .. Respondents

Mr.Parag Tilak i/b Mr.Aditya P. Shirke for the Petitioner.

Mr.Abhijeet A. Joshi for respondents.

**CORAM : PRASANNA B. VARALE &
N.R.BORKAR, JJ.**

DATE : 13TH SEPTEMBER, 2021

P.C.

1] The Petitioner was initially appointed in the year 2008 as Junior Engineer with Respondent No.1-Maharashtra State Electricity Transmission Company Ltd. (MSETCL). In the year 2011, he was promoted as Assistant Engineer.

2] In the year 2011 the Petitioner applied for the post of Deputy Executive Engineer (Trans) pursuant to the advertisement issued by the respondent No.1. On 25.11.2011, the Petitioner was selected and appointed as Deputy Executive Engineer. By order dated 11.09.2015 the services of the Petitioner were confirmed on the post of Deputy Executive Engineer (nomenclature changed to Additional Executive Engineer).

3] On 23.02.2018, Respondent No.2 issued a show cause notice to the Petitioner wherein it was alleged that while applying for the post of Deputy Executive Engineer the experience of one year working with M/s.Powerline Engineers and Contractors, Karad, shown by him does not satisfy the experience condition of recruitment and he was called upon to submit his written statement. On 07.03.2018 the Petitioner submitted his reply in that respect. The respondent No.2 accepted the explanation of the Petitioner and closed the matter by order dated 24.04.2018.

4] On 24.06.2019 the Chief Enquiry Officer of the Respondent No.1- Corporation issued a show cause notice to the Petitioner, thereby, intimating that as per the directions of the CMD, a committee chaired by the Director Projects alongwith Chief Legal Officer and Chief Vigilance Officer was constituted and as per the recommendation of the said Committee, the Respondent No.1 decided to review the order dated 24.04.2018 passed by Respondent No.2 and the Petitioner was directed to remain present before the Committee on 01.07.2019.

5] The Petitioner, accordingly, appeared before the Committee and submitted his reply. The Respondent No.2, thereafter, issued order impugned dated 06.08.2019. By the order impugned respondent No.2 reinstated/reverted the Petitioner from the post of Additional Executive Engineer (Transmission) to the post of Deputy Executive Engineer (Transmission) on the ground that the letter submitted by him of the Powerline Engineers dated 06.03.2018 was forged. It is further intimated to the Petitioner that a departmental enquiry will be conducted against him for the alleged misconduct committed by him.

6] We have heard the learned counsel for the parties.

7] The contention is that, the respondents ought to have conducted regular departmental enquiry before reverting/reinstating the Petitioner to the post of Deputy Executive Engineer. Admittedly, the respondents are going to conduct the regular departmental enquiry in relation to the alleged misconduct of the Petitioner. No interim order is there in favour of the Petitioner. Pursuant to the order impugned the Petitioner is at present working on the post of Deputy Executive Engineer. Considering these facts and circumstances, we are of the view that it would be appropriate to direct the Respondents to conclude the enquiry against the Petitioner within a stipulated period instead of examining the matter on merit. In the result, following order is passed :

i] Respondents are directed to conclude the departmental enquiry against the Petitioner for the alleged misconduct within 8 months from today.

ii] Needless to state that If the Petitioner is exonerated in the Departmental Enquiry, the respondents shall reinstate him on the post of Additional Executive Engineer with all consequential benefits.

iii] With these directions, Writ Petition stands disposed of.

[N.R.BORKAR, J]

[PRASANNA B. VARALE, J]