

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

51 WRIT PETITION NO.5739 OF 2022

**DEEPAK MANOHAR CHAVAN
VERSUS
MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION THROUGH
ITS CHIEF EXECUTIVE OFFICER AND OTHERS**

Mr.S.D. Joshi, Advocate for the petitioner.

**CORAM : RAVINDRA V. GHUGE &
ANIL L. PANSARE, JJ.
DATED : 13.06.2022**

PC :-

01. We have considered the strenuous submissions of the learned Advocate for the petitioner.

02. It is undisputed that the petitioner was earlier serving as a Tracer with respondent No.1 – organization. In the light of the allegations of corruption and having been trapped by the Anti-corruption Bureau, an offence under section 13(1)(d) read with section 13(2) of the Prevention of Corruption Act, came to be registered against him. He was placed under suspension in 2012. The learned Special Judge, Latur in Special (ACB) Case No.9/2013, convicted the petitioner for the offence and sentenced him to undergo simple imprisonment for two years and a fine of Rs.3000/-. He preferred Criminal Appeal No.451 of 2017 along with Criminal Application No.5049 of 2017 before this Court. By order dated 25.09.2017, this Court only stayed the sentence till the decision in the appeal.

03. The grievance of the petitioner is that he has been dismissed from service on account of conviction on the basis of the show cause notice dated 26.04.2017. He claims to have received an order of dismissal on 04.05.2022. By this petition, he prays for quashing of the order of dismissal.

04. It is well settled that once a person is convicted, the employer can dismiss him from service without conducting disciplinary proceeding/enquiry. If the dismissal from the service is linked with the conviction, such an employee would get a right of reinstatement in service without back wages, if subsequently the conviction is quashed and set aside and he is acquitted.

05. In view of the above, this petition has been preferred prematurely. The Criminal Appeal of the petitioner is pending before this Court and the conviction has not been stayed. In view of above, this petition is dismissed.

[ANIL L. PANSARE,J.]

[RAVINDRA V. GHUGE,J.]