

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 WRIT PETITION NO.7025 OF 2022

SABIR ALI SAYYAD HASAN
VERSUS
THE ADDITIONAL CHIEF SECRETARY AND ANOTHER

...
Advocate for Petitioner : Mr. Shaikh Nasimoddin R.
AGP for Respondents-State : Mr. S. K. Tambe
...

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 12th August, 2022

PER COURT :

1. The petitioner has put forth prayer Clauses 'B' and 'C' as under :-
 - (b) The Hon'ble Court be pleased to issue a writ of Mandamus or Certiorari or any other appropriate writ, order or direction in the nature of Mandamus or Certiorari thereby to direct the respondents to consider the representation of petitioner dated 30/11/2021 and thereby provide all service benefits in accordance with law.
 - (c) The Hon'ble Court be pleased to issue a writ of Mandamus or Certiorari or any other appropriate writ, order or direction in the nature of Mandamus or Certiorari thereby to declare that the petitioner is entitled for all service benefits for the period of suspension from 20/06/2014 to 04/03/2016 on the post of police Head Constable B No.1375 with traffic branch, Jalgaon.

2. The petitioner admits that though he has been acquitted in Special (ACB) Case No.14 of 2014, a departmental enquiry was conducted against him by the department. The charges levelled upon him were held to be proved on the basis of the oral and documentary evidence adduced before the Enquiry officer. The petitioner was awarded punishment by the disciplinary authority. The learned Advocate does not have instructions as to what was the punishment awarded to him. He, however, submits on instructions that the enquiry resulted in the charges being proved against him and the employer having punished him.

3. In view of the above, the suspension period pending enquiry would merge in the final order of the disciplinary authority. Moreover, the petitioner has not challenged the punishment awarded to him by the disciplinary authority and that has attained finality.

4. In view of the above, we do not find that this petition can be entertained. The same is, therefore, dismissed.

5. The learned Advocate for the petitioner submits that the petitioner desires to pursue the representation dated 30/11/2021,

filed by the petitioner. In the light of the said statement, we find it inappropriate to make any comment.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

vjg/-.