

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 WRIT PETITION NO.12428 OF 2022

DINESH BHAGWAN GAWALE
VERSUS
THE DIVISIONAL CONTROLLER MAHARASHTRA STATE ROAD TRANSPORT
CORPORATION

...

Advocate for Petitioner : Mr Gulab B. Rajale

CORAM : SANDEEP V. MARNE, J.
DATE : 8th DECEMBER, 2022

PER COURT :

1. By this petition, petitioner assails order dated 23.09.2022 passed by the Industrial Court, Dhule rejecting petitioner's application for condonation of delay in filing the complaint challenging penalty order dated 18.11.2013.
2. By order dated 18.11.2013, petitioner is inflicted with penalty of permanent withholding of two increments. It is a case of petitioner that in respect of the same incident, he was also prosecuted in criminal trial, which resulted in his acquittal on 08.09.2021.
3. After his acquittal, he approached the Industrial Court challenging the penalty order dated 18.11.2013 and filed application for condonation of delay of 8 years and 18 days.
4. It is settled position of law that outcome of the criminal case has no bearing on the findings recorded in the departmental enquiry. The purpose of the two proceedings are entirely different. Therefore, mere

acquittal in the criminal case does not have any effect on the finding of the guilt recorded in the domestic enquiry. Therefore, there was no reason for petitioner to wait for outcome of the criminal case. If he was aggrieved by the order dated 18.11.2013, he ought to have adopted necessary remedies immediately thereafter. The decision of criminal case on 08.09.2021 had no bearing on the cause of action of petitioner for challenging the penalty order dated 18.11.2013. The Industrial Court has rightly rejected the application for condonation of delay.

5. The writ petition is devoid of merits and the same is dismissed without any orders as to costs.

[SANDEEP V. MARNE, J.]

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