

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.659 OF 2021

PETITIONER : Sanjay Pralhadrao Wankhade,
Aged - 57 years. Occupation -
Service as Head Master Grade-A, at
Zilla Parishad School, Bhankhed
Khurd, Tah. & District Amravati.

..VERSUS..

RESPONDENTS : **1.** The State of Maharashtra,
Through its Secretary, Ruler
Development Department,
Mantralaya, Mumbai-32.

Amended as per order
of this Hon'ble Court
as on 03.02.2021.

2. Shri. Amol Yedge,
The Chief Executive Officer, Zilla
Parishad, Amravati

3. Shri. E. J. Khan,
The Education Officer, Zilla
Parishad, Amravati

Amended as per
order dated
28.02.2022.

4. Shri. Avishyant Panda,
CEO, ZP Amravati.

Shri. Y. P. Kaslikar, Advocate for Petitioner.
Ms. H. N. Jaipurkar, AGP for Respondent No.1.
Shri. S. S. Shinde, Advocate for the Respondent Nos.2 and 3.

CORAM : SUNIL B. SHUKRE AND
SMT. M. S. JAWALKAR, JJ.

DATE : 2nd MAY, 2022.

ORAL JUDGMENT : (Per : Sunil B. Shukre, J.)

. Heard.

2. Rule. Rule made returnable forthwith. Heard finally by consent of the parties.

3. By this petition, the Petitioner has primarily questioned the departmental enquiry proceedings on the ground that there has been inordinate delay in completion of the departmental enquiry, and therefore, this delay has vitiated the departmental enquiry proceedings.

4. It is seen from the record that the Petitioner had earlier filed a Writ Petition No.6867 of 2019 raising the very issue of delay and while disposing of this petition by judgment dated 17.02.2020, this Court directed that the departmental enquiry be concluded and the order of punishment, if any, be passed and communicated to the Petitioner within a period of three months. This direction was issued by this Court on the basis of undertaking given by the Zilla Parishad, Amravati. This Court also directed that if enquiry was not concluded within three months from the date of the judgment, the Respondent No.2 would have to pay cost of Rs.1,000/- (One Thousand Only) for each day of delay. Now, the Petitioner has

sought quashing of the departmental enquiry proceedings on account of inordinate delay which has been caused in conclusion of the same in spite of the specific direction given by this Court on 17.02.2020.

5. While issuing notice to the Respondents, this Court made it clear that notice could not be issued on the question of quashing of the departmental enquiry proceedings and it could be issued only for considering the other aspect of enhancing the penalty amount for delayed completion of enquiry.

6. Now, during the pendency of this petition, the enquiry has been completed on 07.12.2021 and the detailed reasons have also been given by the Zilla Parishad for the delay in completion of the enquiry. The reasons are attributable to the difficulty faced by the Government employees to attend the enquiry proceedings as witnesses on account of Covid restrictions which came into force from March 2020 and which were in existence for long period of time.

7. Considering the prevalence of Covid pandemic, a factor which was not within the control

of Zilla Parishad and also the fact that no notice has been issued on the point of quashing of departmental proceedings on the ground of delay, we do not think that the delay caused in completion of the departmental enquiry could be considered actually as delay in terms of judgment dated 17.02.2020 passed in Writ Petition No.6867 of 2019. If that is the case, we do not find any merit in this petition. The petition stands **dismissed**. Rule is discharged.

8. We, however, make it clear that the Zilla Parishad, Amravati would have to release all the pensionary benefits to the Petitioner after execution of the order passed in the departmental enquiry proceedings on 07.12.2021, immediately.

9. We also grant liberty to the Petitioner to question the legality and correctness or otherwise of the order dated 07.12.2021 passed in the departmental enquiry proceedings held against him in accordance with law.

(JUDGE)

(JUDGE)

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