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

WRIT PETITION NO.2728 OF 2020

1. The State of Maharashtra,
Through its Secretary,
Department of Planning,
Mantralaya, Mumbai-32.

2. The Divisional Commissioner,
Nagpur Division, Civil Lines, Nagpur-01.

3. The Collector, Office of the Collectorate,
Civil Lines, Nagpur-01.

..... **Petitioners.**

:: V E R S U S ::

Prashant s/o Vijayrao Jarulkar,
Aged about 38 years, occupation service,
R/o 126-A, Shivnagar, Durga Park,
Nagpur-440009.

..... **Respondent.**

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Shri D.P.Thakare, Additional Government Pleader for the
Petitioners.

Shri A.J.Gilda, Counsel for the Respondent.

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CORAM : **A.S.CHANDURKAR & URMILA JOSHI-PHALKE, JJ.**

DATE : **11/7/2022**

ORAL JUDGMENT (Per : A.S.Chandurkar, J.)

1. Heard Shri D.P.Thakare, learned Additional
Government Pleader for the petitioners and Shri A.J.Gilda,
learned counsel for the respondent. **Rule.** Rule made returnable
forthwith.

2. The challenge raised in this writ petition is to the
order passed by the Maharashtra Administrative Tribunal on

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6.3.2019 whereby directions were issued to the petitioners herein to complete the joint enquiry within a period of six months from the date of the final order passed in Original Application dated 6.11.2018. While passing that order, reference was made to Clauses-VI and VII of the order passed in Original Application No.699 of 2012. By the said direction, it has been observed that if the departmental enquiry was not completed within a period of six months, the enquiry itself would stand quashed. Being aggrieved, the State of Maharashtra has challenged the aforesaid order.

3. During the pendency of the present proceedings, the petitioners were called upon by the order dated 4.3.2022 to indicate the time that would be required to complete the enquiry.

4. Today, affidavit on behalf of the petitioner Nos.3 is placed on record in which it has been stated that the enquiry proceedings would be completed within a period of nine months. After perusing the communication dated 4.7.2022, we are inclined to direct the petitioners to complete the enquiry proceedings against the respondent within a period of six months from service of copy of this judgment on the Divisional Enquiry Officer No.3. In view of this direction, it is not necessary to examine the correctness of the directions issued vide Clauses-VI

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and VII of the order dated 6.11.2018. That challenge is kept open.

5. With these directions, the writ petition is disposed of. If the enquiry proceedings are not completed within the aforesaid period, it would be open for the respondent to urge that there has been non-compliance of the aforesaid direction. Rule accordingly. No costs.

(URMILA JOSHI-PHALKE, J.) (A.S.CHANDURKAR, J.)

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