

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

WRIT PETITION NO. 4389 OF 2023

Deepak s/o Vasantryao Pawar

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

.....

Ms Aarti Bhagwat h/f Mr. G. K. Kshirsagar – Advocate for the
petitioner
Mr. S. K. Tambe – AGP for respondent/State

.....

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATED : 24th APRIL 2023

PER COURT : -

1. The petitioner has been acquitted of the offence alleged to have been committed by him vide judgment dated 25th October, 2021 passed by the competent court in Criminal Case No. 37 of 2015. However, the departmental enquiry proceedings have still not concluded. The petitioner prays for treating the suspension period as duty period with full salary, for the reason that he has been acquitted from the criminal proceedings.

2. It is well settled that the criminal proceedings and disciplinary proceedings are conceptually distinct and different. Acquittal from criminal proceeding does not have a bearing upon the disciplinary proceedings. Had disciplinary proceedings not been

initiated, then the fate of the petitioner would have rested purely on the outcome of the criminal case.

- 1] State of Rajasthan V/s. Phool Singh,
AIR 2022 SC 4176
- 2] Ajitkumar Nag V/s. GM IOC (3 Judges Bench),
2005 AIR SCW 4986

3. In view of the above, **this petition is disposed off.** Needless to state, that if the petitioner is exonerated in the disciplinary proceedings, he would be at liberty to avail of a remedy as regards the period of suspension, as may be permissible in law.

[SANJAY A. DESHMUKH]
JUDGE

[RAVINDRA V. GHUGE]
JUDGE