

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

WRIT PETITION NO.11045 OF 2023

**SHAIKH RAHIM SHAIKH YUSUF
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS.**

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Shri R.A. Joshi, Advocate for the Petitioner.
Shri A.V. Deshmukh, AGP for Respondents 1 and 3/State.
Shri S.R. Yadav Lonikar, Advocate for Respondent No.2.

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**CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.**

DATE :- 26th September, 2023

Per Court :-

1. We have heard the learned Advocates for the respective sides. There is no dispute that the charge sheet dated 30.11.2021 was issued to the Petitioner. He superannuated on 30.06.2023. It is also undisputed that the enquiry had commenced in the matter. The Presenting Officer for the Department appeared to be casual with the enquiry and frequently remained absent. It is also undisputed that the enquiry file was returned to the Department since the Presenting Officer was delaying the matter. Now, we are informed that a new

Presenting Officer has been appointed vide the order dated 08.09.2023.

2. The learned Advocate for Respondent No.2 submits, on instructions, that the enquiry would be completed by 31.12.2023 with the due cooperation of the Petitioner.

3. The learned Advocate for the Petitioner submits that he is willing to appear before the Enquiry Officer on a particular date.

4. In view of the above, **this Writ Petition is disposed off** with the following directions:-

(a) The Petitioner would appear before the Enquiry Officer on 09.10.2023 at 12:00 noon in the office of the Divisional Commissioner, Aurangabad.

(b) The Petitioner would render wholehearted cooperation in the enquiry.

(c) The Enquiry Officer as well as the Presenting Officer would ensure that the timeline for completing the enquiry is followed. However, we mention that undue haste in completing the enquiry should not be made by the enquiry officer.

5. At this stage, the learned Advocate for the Petitioner makes a request that he would put forth a representation to the Employer for releasing such retiral benefits, which would not be affected by the pending departmental enquiry. We leave it to the Petitioner to make such representation. We make it clear that we have not expressed any opinion about the contents of the representation.

kps

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)