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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3794 OF 2022

Amit Samadhan Palwe

..... Petitioner

Vs.

Maharashtra State Electricity Dist.
Comp. Ltd. And Ors.

..... Respondents

Mr.Ashwin V. Sakolkar for the Petitioner

Mrs.A.R.S.Baxi for Respondent nos.1 to 3

**CORAM: S.V.GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATED : JANUARY 31, 2023

P.C.

1 We have heard the learned Counsel for the Petitioner and the Respondents.

2 The FIR has been lodged against the Petitioner for the offence punishable under section 7 of the Prevention of Corruption Act, 1988 in the year 2017. Thereafter, the departmental enquiry was initiated against the Petitioner. The disciplinary authority imposed punishment upon the Petitioner. The Petitioner filed Appeal. The Appeal filed by the Petitioner is allowed. Punishment awarded is set aside. Subsequently, the Petitioner is suspended on the same charge.

3 It is brought to our notice that the impugned suspension order is also revoked by the employer.

4 The only question would be about the validity of the suspension order. The criminal case was filed in the year 2017. Thereafter, the departmental proceedings were initiated. The Petitioner was exonerated in the departmental proceedings by the appellate authority.

5 Subsequently, there was no cause for the employer to suspend the Petitioner again on the same charge. In light of the above, we hold that the impugned order of suspension is illegal. Consequences shall follow.

6 The employer may take further course of action depending upon the judgment that would be delivered in the criminal case filed against the Petitioner .

7 Writ Petition is disposed of. No costs.

(SANDEEP V. MARNE, J)

(ACTING CHIEF JUSTICE)