

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.3827 OF 2022

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Anil S/o Chandravadan Mistry

..Petitioner

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Joel Carlos, for the Petitioner.

Mrs. Uma Palsuledesai, AGP for the Respondent/State.

Mrs. Shilpa Redkar, for the Respondent No.2/MCGM.

CORAM : S. V. GANGAPURWALA, ACTING CJ &
SANDEEP V. MARNE, J.

DATE : 3rd APRIL, 2023

PC.

1. The grievance of the petitioner is that he is not being considered for promotion on the ground that the departmental enquiry in the form of disciplinary enquiry is pending and ACB inquiry is also pending.

2. Learned counsel for the petitioner submits that the complaint was filed by the wife in the year 2012. Till today, the ACB has not filed charge-sheet before the Court.

3. We have also heard learned advocate for the respondents/Corporation.

4. It is not disputed that the disciplinary enquiry was initiated against the petitioner. It is the contention of the petitioner that the said

disciplinary enquiry is concluded. According to learned counsel for the respondents, disciplinary enquiry is completed and report is received in sealed cover. In the order dated 23rd March, 2023, we had observed that there is no impediment for the respondents to take decision in pursuance to the disciplinary enquiry.

5. The respondents shall take decision finally in the disciplinary enquiry initiated against the petitioner within eight weeks from today. In that case, petitioner's case be considered for promotion in the light of decision that may be taken in disciplinary proceedings.

6. If decision is not taken within eight weeks in the disciplinary proceedings, then the respondents shall consider the petitioner for promotion in accordance with law.

7. The writ petition as such stands disposed of. No costs.

[SANDEEP V. MARNE, J.]

[ACTING CHIEF JUSTICE]