



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

WRIT PETITION NO. 5950/2023

Mahendra s/o. Mitaram Meshram Vs. Superintendent of Police Gondia and Anr.

.....
Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders

Court's or Judge's order

.....
Mr. J. D. Bastian, Advocate for Petitioner.

Mr. A. S. Fulzele, Additional Government Pleader for Respondent No.1.

CORAM : A.S.CHANDURKAR AND MRS.VRUSHALI V. JOSHI,JJ..

DATED : 07.09.2023

P. C.

. **Rule.** Rule made returnable forthwith.

2. Mr. A. S. Fulzele, learned Additional Government Pleader waives service of notice for respondent No.1. Service on respondent No.2 is dispensed with considering the order proposed to be passed.

3. The petitioner who is serving as Police Constable at Police Station, Gondia is facing criminal trial pursuant to First Information Report No.71/2017. The respondent No.1 has also initiated disciplinary proceedings against him. On 26.07.2023 the petitioner has moved an application to the respondent No.1 to keep the departmental proceeding in abeyance till the criminal trial is concluded. The said application is yet to be decided by the respondent No.1. In the aforesaid, the following order would serve the interest of justice :

i] The respondent No.1 to consider the petitioner's application dated 26.07.2023 that seeks stay of the departmental enquiry till conclusion of the criminal trial in accordance with law within a period of ten days from today.

ii] The decision taken thereon be communicated to the petitioner. If the petitioner is aggrieved by the outcome of the adjudication of his representation, he is free to take such steps as are permissible in law.

4. Rule is disposed of in the aforesaid terms, with no order as to costs.

5. Authenticated copy of this order be supplied to the learned Counsel for the respective parties to act upon.

(MRS.VRUSHALI V. JOSHI, J.)

(A.S.CHANDURKAR, J.)