

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

Writ Petition No.7402/2017

Smt. Satyafulla V Government Medical College and Hospital, Nagpur

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

Court's or Judge's Orders

Mr. V.P. Marpakwar, Adv. for petitioner.

Ms T. Khan, AGP for resp. no.1.

CORAM : AVINASH G GHAROTE, J.

DATE : 05-01-2023

Mr. Marpakwar, learned Counsel for the petitioner, challenges the Judgment dated 04-03-2010, dismissing the complaint by the learned Industrial Court. It is contended by learned Counsel for the petitioner that though the petitioner was reappointed by an order dated 07-01-2006 (pg 40) and has since superannuated on 31-07-2018, for the purpose of granting her pension, her earlier services ought to be considered. He, therefore, submits that the impugned judgment which refused to do so, cannot be sustained and by required to be quashed and set aside.

2. The learned AGP, rightly points out that the petitioner, was subjected to departmental enquiry on account of criminal proceedings filed against her, and in the said departmental enquiry having found her guilty, her services were terminated on 06-08-1998. This departmental

enquiry, or the termination therein, has not been challenged by the petitioner and therefore has attained finality. Subsequently, in point of time, the petitioner came to be acquitted from the criminal charges, as a result of which, the petitioner again applied for appointment and was granted a fresh appointment by the order dated 07-01-2006. The order dated 07-01-2006 specifically makes a mention that she would not be entitled to any benefits on account of her earlier service and the appointment was a fresh one. Having accepted this, though the order of appointment dated 07-01-2006 makes a mention about her acquittal that itself would not amount to setting aside order of dismissal dated 06-08-1998 in the departmental enquiry.

3. It is settled position of law that though a person may be acquitted of criminal charges, it is permissible to hold a departmental enquiry regarding the misconduct and impose punishment. That being the position and the petitioner having accepted a fresh appointment by an order dated 07-01-2006, I do not see any reason to interfere in the well reasoned judgment of the learned Industrial Court. The petition is without any merit and dismissed. No costs.

JUDGE