



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

968 WRIT PETITION NO. 1849 OF 2024

PRAKASH MURLIDHAR DHONDDEV

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY AND
OTHERS

Mr.T.M. Venjane, Advocate for the Petitioner.

Mr.S.B. Narwade, AGP for the Respondent/State.

Mr.V.C. Patil h/f. Mr. U.B. Bondar, Advocate for the Respondent-Z.P, Latur.

CORAM : RAVINDRA V. GHUGE &
S.G. CHAPALGAONKAR, JJ.

DATED : 15.02.2024

PC :-

01. We have heard learned Advocates for the respective sides. The learned Advocate representing the Zilla Parishad has vehemently opposed this Petition and prays for it's dismissal by imposition of costs.

02. This is an open and shut case. The Petitioner was charged with commission of an offence punishable under section 7, 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988. Vide judgment dated 23.07.2018, he has been acquitted in Special Case (ACB) No.2 of 2011 (J).

03. It is beyond debate that once an employee is acquitted in a

criminal case and the employer has not issued him a charge-sheet/conducted an inquiry or that the said employee has not been subjected to a Departmental Enquiry, the acquittal from the criminal trial would render him entitled for all the service benefits. Pendency of an appeal by the State against the acquittal cannot be a ground for depriving the employee of the service benefits.

04. To balance the equities, we direct the Petitioner to tender an affidavit undertaking to the employer stating therein that if he suffers an adverse order in the pending appeal proceedings against his acquittal and if the acquittal is converted into a conviction, he shall return the entire gratuity amount within eight weeks from the date of such adverse judgment, subject to his right to challenge the said judgment. We, therefore, expect the Zilla Parishad to make the payments of the service benefits within a period of 90 days.

05. In view of the above, **this Petition is disposed off** with the directions to the Zilla Parishad to take into account the acquittal of the Petitioner in Special Case (ACB) No.2 of 2011 and grant him all service

benefits to which he would be entitled to in view of the acquittal. This would be subject to the aforesaid conditions and filing of the affidavit, save and except, on account of any other legal impediment.

[S.G. CHAPALGAONKAR,J.]

[RAVINDRA V. GHUGE,J.]