IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4124 OF 2024
WITH
INTERIM APPLICATION NO. 1757 OF 2024

Madhukar Hiraman Kasture ...Petitioner

Versus

Chief General Manager,
Maharashtra Telecom Circle ...Respondent

Ms. Swati Raul, Advocate for the Petitioner/Applicant (Appointed Thr. Legal Aid).

Mr. Yogendra Pendse, Advocate for the Respondent.

Mr. Madhukar Kasture, Petitioner present in person.

CORAM : RAVINDRA V. GHUGE
&
M.M. SATHAYE, JJ.

DATE :- 7th OCTOBER, 2024

PER COURT :-

1. The Petitioner is present in the Court when this matter is heard.

2. Having heard the learned Advocate for the Petitioner through legal aid and the learned Advocate on behalf of the Sole Respondent–employer, we have perused the Petition paper book with their assistance.

3. The Petitioner was said to have been trapped while taking illegal gratification and was convicted by the Court of Criminal Jurisdiction under Sections 7, 13(2) read with 13(1) (d) of the Prevention of Corruption Act, 1988 (the Act of 1988). He was sentenced to suffer imprisonment for one year with fine. The said judgment of the trial Court, dated 30th March, 1999, delivered in Special Criminal Case No. 73 (A)/ 1993, was challenged in Criminal Appeal No. 184 of 1999. This Court, by judgment dated 23rd September, 2003, confirmed the conviction.

4. In the interregnum, the employer conducted a departmental enquiry and the charges were said to have been proved. The Petitioner was dismissed from service.

5. The Petitioner approached the Hon'ble Supreme Court in Criminal Appeal No. 113 of 2005. By order dated 6th October, 2010, the conviction under Sections 7, 13(2) and 13(1)(d) of the Act of 1988, was sustained. However, the sentence to suffer imprisonment was reduced from one year to the period that the Petitioner had already spent in imprisonment. He was ordered to be

released on bail on 17th January, 2005. In view of the said order of the Hon'ble Supreme Court, bail bonds were discharged.

6. With the conviction having been confirmed upto the Hon'ble Supreme Court, the Petitioner had approached the learned Central Administrative Tribunal, Bombay Bench in O.A. No.355 of 2011. Vide order dated 20th December, 2011, the Tribunal noted the fact that the conviction handed down to the Petitioner was confirmed right upto the Hon'ble Supreme Court. On the basis of the conviction and the enquiry, the Petitioner was terminated by the Respondent. We are informed that the Tribunal did not interfere with the action initiated by the Employer.

7. In view of above, we do not find any justifiable reason for entertaining this Petition wherein the Petitioner has prayed for issuing directions to the MTNL to produce the record and proceedings of the departmental enquiry.

8. Moreover, the said exercise would be purely academic for the reason that, even if it is presumed that this Court could cause an indulgence with the departmental enquiry, it would be purposeless,

as the conviction has already been sustained upto the Hon'ble Supreme Court and the dismissal of the Petitioner is on account of such conviction.

9. In view of the above, **this Writ Petition is dismissed.**

10. **Pending interim application, if any, stands disposed off.**

11. Since the learned Advocate for the Petitioner has appeared through the Legal Aid, we quantify the fees of Rs.Ten Thousand, to be paid by the High Court Legal Services Committee, to the Ms Swati Raul.

(M.M. SATHAYE, J.) **(RAVINDRA V. GHUGE, J.)**