



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

WRIT PETITION NO.2087 OF 2024

[Gautam S/o Narayanrao Basutkar **VERSUS** Coal India Ltd., through its Chairman cum Managing Director and Disciplinary Authority, Nagpur]

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

Court's or Judge's order

Shri Prakash Naidu, Counsel for Petitioner.
Shri A.M. Ghare, Counsel for Respondent.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : 10th JULY, 2024

P.C. :

1. Heard.
2. In Crime No.RC0282023A0002 registered with Central Bureau of Investigation, Anti-Corruption Bureau, Nagpur, for an offence under Section 7 of the Prevention of Corruption Act, 1988, the petitioner came to be chargesheeted.
3. The petitioner, who was in the employment of the respondent in the capacity of Chief Manager (Mining), was served with a chargesheet vide Memorandum dated 9-1-2024.
4. The petitioner is now served with the notice of preliminary enquiry and as such has approached this Court seeking stay to the departmental enquiry claiming that if the defence is disclosed in the present proceedings, the same is likely to prejudice his defence in the Trial Court.
5. So as to substantiate the aforesaid contention, the counsel for the petitioner has placed on record the article of charge, the documents which the employer intends to rely on, including that of the witnesses to be examined during the enquiry, etc.

6. As against above, the counsel for the respondent would urge that the enquiry can be kept on hold for a limited period, provided the trial is concluded within the stipulated period.

7. We have appreciated the rival submissions. We have also gone through the various orders on similar issue passed by this Court, which are produced by the counsel on both the sides.

8. In the aforesaid background, we can conclude that the article of charge framed against the petitioner is sought to be proved based on the documents and the witnesses who are also part of the criminal trial. *Prima facie*, there appears to be substance in the submission of the counsel for the petitioner.

9. That being so, we hereby stay the departmental proceedings against the petitioner for a period of nine months.

10. We direct that in the meantime every endeavour shall be made to conclude the trial against the petitioner.

11. We also direct the petitioner to bring to the notice of the Special Court taking up the trial against him to place the copy of this order on record for appropriate steps.

12. The petition stands partly allowed in the aforesaid terms. No costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)