



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

WRIT PETITION NO.3564 OF 2024

[Akash S/o Gautam Gawai **VERSUS** Zilla Parishad, Gondia, through its Chief
Executive Officer and another]

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

Court's or Judge's order

Shri N.S. Warulkar, Counsel for Petitioner.

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

DATE : 11th JULY, 2024

1. The petitioner, who is an employee of the respondent-Zilla Parishad, underwent departmental enquiry after he was prosecuted for an offence punishable under the provisions of the Prevention of Corruption Act, 1988.
2. We are informed that the criminal proceedings in the form of trial for an offence punishable under the provisions of the Prevention of Corruption Act are not yet concluded.
3. In this backdrop, the counsel for the petitioner would claim that even if the departmental enquiry was initiated against the petitioner, his promotion cannot be withheld once he has cleared the departmental examination. He would claim that subject to outcome of the criminal trial and the disciplinary proceedings, the petitioner can be granted *ad hoc* promotion.
4. If we appreciate the aforesaid submissions, the fact remains that the petitioner is prosecuted for an offence under the provisions of the Prevention of Corruption Act and the said criminal trial is yet to be concluded.
5. In the aforesaid backdrop, it cannot be said that the petitioner has any right in law to claim promotion just because he has cleared the departmental examination.

6. Though it is claimed by the counsel for the petitioner that the other similarly-placed employees are granted promotion, we are unable to get ourselves satisfied so as to infer that a person who is similarly-placed and is facing a criminal trial under the Prevention of Corruption Act, was granted promotion by the respondent-employee.

7. In this background, we see no reason to cause interference in the matter.

8. The petition is dismissed.

9. It is open for the petitioner to move before the Special Court for expediting the criminal trial. If such prayer is made by the petitioner, the Special Court shall consider it favourably.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)