



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

WRIT PETITION NO.4103/2024

Pravinkumar s/o Walimikrao Jangle Vs. Maharashtra State Electric Distribution Company Ltd.
and others

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

Court's or Judge's order

Mr. A.A.Mardikar, Advocate for petitioner.

CORAM : NITIN W. SAMBRE & ABHAY J. MANTRI, JJ.
DATE : SEPTEMBER 09, 2024.

Heard.

2. The petitioner has prayed for issuance of directions to the respondents to grant salary to the petitioner for a period for which his services were terminated i.e. from 3rd October, 2007 till the date of his reinstatement i.e. 13th February, 2019.

3. A further prayer is made that the respondents be directed to consider that continuity of service for a period from 24th December, 2007 till 13th February, 2019 and also sought further direction to consider the entire period from 24th December, 2007 till 13th February, 2019 for all practical purpose.

4. It is not disputed fact which, in our opinion, is borne out of the record that the prosecution against the petitioner was unsuccessful, as the prosecution has failed to prove the guilt of the petitioner beyond reasonable doubt and as such the petitioner stood acquitted in Special Case (ACB) No.01/2009 (*State of Maharashtra Vs. Pravinkumar Walmiki*

Jangle and another) decided by learned Special Judge, Special Court, Warora on 3rd October, 2017.

5. The fact remains that the petitioner thereafter was issued the order of reinstatement on 13th February, 2019 wherein the specific condition was incorporated that he shall not be entitled for any relief of back wages from 24th December, 2007 till reinstatement, in view of Circular dated 24th November, 1992.

6. The petitioner has neither questioned the Circular nor the decision of incorporating the condition in the order of reinstatement dated 13th February, 2019 wherein it is in express terms provided that the petitioner shall not be entitled for back wages for the aforesaid period.

7. Apart from above, even otherwise the petitioner's claim is barred by limitation.

8. That being so, the claim put forth by the petitioner to that extent, in our opinion, does not warrant any consideration particularly being without any merit and as such stands dismissed.

9. As far as the second claim for grant of continuity of service is concerned, we are of the prima facie view that said issue is covered by the ***judgment delivered on 27th September, 2022 (Abhimanyu Laxman Kumbhar Vs. The Maharashtra State Electricity Distribution Company Ltd. and another) in Writ Petition No.14327 of 2021.***

10. That being so, we direct the respondents to consider the claim of the petitioner for grant of the continuity of service during the entire

period for which his services were terminated, as he was facing prosecution under the provisions of the Prevention of Corruption Act. The petitioner accordingly shall be entitled to the notional pay fixation by grant of yearly increment. However, the petitioner shall not be entitled for any monetary benefit for the said period.

11. Let the decision be taken in the light of the aforesaid observations and be communicated to the petitioner within a period of four weeks from the date of production of this order.

12. The petition accordingly stands disposed of. No costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)