



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO. 53/2024

(NITIN SADASHIV KHAPNE **VERSUS** UNION OF INDIA & OTHERS)

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

Court's or Judge's order

Shri B. Lahiri, counsel for the petitioner.

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

DATE : JANUARY 04, 2024.

The petitioner came to be appointed by the respondent no.3 as Multi-Tasking Staff *vide* order dated November 18, 2020. During the police verification, it was noticed that based on a report submitted by the Police Inspector, District Special Branch, the petitioner was prosecuted for Offence No.3066 of 2012 punishable under Section 12-A of the Maharashtra Prevention of Gambling Act *vide* Criminal Case No. 162 of 2012. In the aforesaid trial, he was convicted pursuant to the provisions of Section 233(2) of the Code of Criminal Procedure, 1973 and was imposed fine of Rs. 250/- in view of admission of guilt by the petitioner.

2. The aforesaid conviction came to be treated as suppression of facts and the same was taken as the basis for termination of services of the petitioner which was effected on June 09, 2021.

3. The petitioner was prompted to question the same before the Central Administrative Tribunal in Original Application No. 2083 of 2021 which was dismissed on July 19, 2023. As such, this petition.

4. According to the learned counsel for the petitioner the services of the petitioner ought not to have been terminated for the aforesaid suppression, particularly when he was convicted for a petty offence. He would claim that the offence for which the petitioner was convicted was under the provisions of the Maharashtra Prevention of Gambling Act and cannot be termed as a serious offence. He would urge that the observation of the Tribunal that the said offence is a serious offence, is without any basis.

5. In view thereof, issue notice to the respondents returnable on February 06, 2024.
6. Learned Deputy Solicitor General of India Shri N.S. Deshpande waives service of notice for the respondents.
7. The parties are put to notice that the proceedings would be taken up for final disposal on the returnable date.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

APTE