



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 5156 OF 2014

Yohan Jaywantrao Ohol

....Petitioner

VERSUS

Maharashtra State Electricity
Distribution Company Ltd. & another

.....Respondents

Mr. A. S. Deshpande, Advocate for the Petitioner.
Mr. D. S. Manorkar, Advocate holding for Mr. M. V. Kini, Advocate for
Respondent No. 2.

CORAM : R. M. JOSHI, J.

DATE : 11th SEPTEMBER, 2025.

PER COURT :

1. This Petition takes exception to the order dated 30.07.2013 passed by the Respondent whereby the Petitioner's period of suspension commencing from 06.10.2010 till 30.07.2013 has been ordered to be treated as period of suspension.

2. The facts which led to filing of this Petition can be narrated in brief as under :-

Petitioner was employed with MSEDCL as Sub-Engineer in Rural Division at Ahmednagar. It is the case of the Petitioner that he was falsely implicated in anti corruption case and even came to be placed under suspension. The MSEDCL resorted to the summary

proceeding under Service Regulations, 1990. This action of MSEDCL was challenged before the Labour Court, Ahmednagar and the said proceeding was initially stayed and consequently set aside. The challenge to the said order in Writ Petition No. 3126/2011 was unsuccessful.

3. Petitioner came to be acquitted on 18.06.2013 and Appeal filed against said acquittal being Criminal Appeal No. 5012/2013 also came to be dismissed on 24.09.2020. After the order of acquittal came to be passed by the Special Court on 30.07.2013, the Petitioner came to be reinstated in service. His suspension for the period from 05.01.2010 till 30.07.2013 was treated as a period of suspension by way of punishment. Being aggrieved by the said order dated 30.07.2013, Departmental Appeal came to be filed. After the said Appeal was rejected on 18.10.2013, Review Application was filed unsuccessfully. Hence, this Petition.

4. Learned counsel for Petitioner has drawn attention of the Court to the fact which according to him indicate that in view of the Administrative Circular No. 197 dated 26.12.2008, on acquittal the period of suspension shall be treated as duty in accordance with the

Service Regulation 88(a)(vi). It is his submission that in any case, since the order impugned has been passed without giving show cause notice and opportunity of hearing, the same cannot sustain.

5. Learned counsel for MSEDCL sought to support the impugned order. It is his contention that the Administrative Circular No. 197 would not apply to the case wherein suspension period has been expressly treated as punishment.

6. The facts as they appear from record clearly indicate that the Petitioner was acquitted by the Special Court from the charges under Prevention of Corruption Act by judgment dated 30.07.2013. Pursuant to the said judgment, he came to be reinstated in service on 30.07.2013. After registration of crime against the Petitioner, he was suspended from 05.01.2010 and the period from 05.01.2010 till the date of his re-instatement is treated as punishment by the impugned order.

7. Perusal of Administrative Circular 197 dated 26.12.2008 indicates that in case of acquittal the period of suspension shall be treated as duty in accordance with Service Regulation No. 88(a)(vi).

Though it is sought to be argued on behalf of MSEDCL that here in this case suspension period is treated as punishment and therefore, the said circular has no application to the case. Even if this submission is accepted for the sake of argument, it is a matter of fact that before imposing any punishment, show cause notice was not issued to the Petitioner so also opportunity of hearing was not given to him. The order passed by the MSEDCL therefore suffers from violation of principles of natural justice so also such order cannot be sustained since contrary to the Service Regulations as well as Circular No. 197.

8. As a result of above discussion, impugned order cannot sustain and the same stands set aside. Period from 05.01.2010 till 30.07.2013 be treated as duty with all consequential benefits. Petition stands allowed.

9. This Court is informed that the Petitioner is already superannuated. In view of this fact, MSEDCL is directed to give all the benefits to the Petitioner within a period of eight weeks from today.

(R. M. JOSHI)
Judge