



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

921 WRIT PETITION NO. 5952 OF 2022

Rajeshkumar Kailashchandra Puranik

VERSUS

The Executive Director O And M -2 And Teh Competent Disciplinary
Authority And Another

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Mr. Deshpande Ajay S., Advocate for the Petitioner

Mr. Anil S. Bajaj, Advocate for Respondents

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CORAM : R. G. AVACHAT AND
ABASAHEB D. SHINDE, JJ.

DATED : OCTOBER 17, 2025

P.C.:

Heard.

2. The petitioner was serving as a Junior Engineer with Respondent No.2-MSEDCL. In the year 2008, he was trapped accepting a bribe amount. He was therefore prosecuted. The Trial Court on full fledged trial acquitted the petitioner of the charge of accepting illegal gratification. The prosecuting agency/state preferred appeal against acquittal. The said appeal was dismissed with reasoned order.

3. Post acquittal of the petitioner by the Trial Court, Respondent No.2-MSEDCL served him with a chargesheet in departmental enquiry. The enquiry was held against him. In the enquiry no witness was examined to adduce oral evidence in proof of the charge against the

petitioner. Only a bunch of documents were placed before enquiry officer. It appears that the petitioner did not admit any of the documents which runs against his interest. Still, the enquiry officer held him guilty of the charge and the competent authority imposed a penalty of withholding one increment with cumulative effect and to treat the period of suspension as suspension by way of punishment.

4. The petitioner preferred departmental appeal against the decision holding him guilty. He was unsuccessful before the first appellate authority. He therefore preferred second appeal. It too failed therein. He is therefore before us in this Writ Petition taking exception to all these orders.

5. The learned advocate for Respondent Nos.1 and 2 submits that the petition should be dismissed *in limine*, due to delay, laches and concealment of material facts. According to him, the disciplinary action was initiated against the petitioner by issuing of the charge sheet on 23.12.2013. There were four charges against him, those were as follows:-

- i. Being dishonest with the Company;
- ii. Acts of disloyalty to the Company;
- iii. Demanding bribes/illegal gratification from the consumers for approving the quotation for electricity connection; and
- iv. Tarnishing the image of the company in the minds of the

public at large.

All these charges were covered under the Schedule “B”-Acts of Misconduct as per Service Regulation No.86(3) of the MSEDCL Service Regulation, 2005 and the same stood proved in the disciplinary proceedings. According to him, the petitioner’s acquittal in criminal case was not honourable one. He was given benefit of doubt. The same was considered during the departmental enquiry against him. Even in the criminal appeal against acquittal, this Court held that the prosecution failed to prove the case beyond reasonable doubt. According to the learned Advocate, the petitioner was duty bound to provide the electricity connection to the consumer within one month from receipt of application in that regard. The petitioner sat on the application and even demanded illegal gratification. Our attention was adverted to provisions of Maharashtra Electricity Regulatory Commission Regulations, 2005. The petitioner was supposed to make inspection of the premises. The conduct of the petitioner in not following the regulations itself amounts to an act of misconduct. According to the learned Advocate, even in spite of an acquittal from a criminal case, departmental enquiry proceeds. It is a settled legal proposition. Both the departmental appeals preferred by the petitioner failed on merits. According to him, the petitioner had an opportunity to challenge the order dated 03.08.2017 passed in second appeal. He

however, took the recourse of waiting for the decision in the criminal appeal. The petitioner is now therefore estopped from challenging the disciplinary proceedings. He would further submit that since the petitioner is superannuated in December 2016 and filing of the Writ Petition long thereafter is unsustainable in law.

6. We have considered the submissions advanced. Admittedly, the petitioner was acquitted of the charge of demanding illegal gratification. The appeal against his acquittal from the criminal charge too met with same fate. After acquittal of the petitioner from criminal charge, the Respondent/MSEDCL initiated departmental enquiry against him. The charges against him in the departmental enquiry were proved and penalty as stated above was imposed. True, his both the department appeals failed. We are conscious of the fact that in writ jurisdiction the scope of interference with a decision in departmental enquiry is very much limited. The petitioner might have approached this Court somewhat late, the facts and circumstances of the case are, however, such that interference with the order imposing penalty in departmental enquiry is warranted. Admittedly, in the departmental enquiry not a single witness was examined in proof of the charge/s. Documents which were placed before the enquiry officer have not been proved. Admittedly, the petitioner did not admit any of the

incriminating document. As such, it was a case of no evidence at all in proof of the charge/s.

7. In this factual backdrop, the order holding the petitioner guilty and consequential penalty need to be set aside. The petition therefore succeeds. The same is thus allowed in terms of prayer clauses (B) and (D), which reads thus :-

B) The impugned order of punishment at Exh. 'D' dated 8.3.2016 and the orders of rejection of First & Second Appeals passed on 24.11.2016 and 3.8.2017 respectively alongwith an order dated 24.3.2022 passed by R-2 at Exh. 'G' may kindly be quashed and set aside by this Hon'ble Court by issuing appropriate writ, order or direction.

D) The respondents may kindly be directed to release two withheld increments under the impugned order at Exh. 'D' dated 8.3.2016 alongwith the increments and resultant revision of pay during the period of suspension of 69 months with 9% cumulative interest thereon, till the same is actually paid to the petitioner, by directing upward revision of pension and pensionary benefits – including C.P.F, Gratuity, Leave Encashment etc.

[ABASAHEB D. SHINDE, J.]

[R. G. AVACHAT, J.]s