

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.103 OF 2025

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Sanjay Dasa YenarePetitioner

Vs.

The State of Maharashtra and Ors.Respondents

Mr. Ashwin R. Kapadnis for the Petitioner.

Mr. G. P. Kakade, Addl. G. P a/w Mr. Abhijeet Naik, AGP for the State.

Mr. S. Ganvabale a/w Kunal Nalawade for the Respondent No.3

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 24th APRIL, 2025

P.C. :-

1. On 26th February, 2025, this Court has passed the following order:

“1. A categoric statement is made by the learned Advocate for the Corporation, on instructions from the Commissioner of Pimpri Chinchwad Municipal Corporation, that the copy of the complaint lodged by the victim, dated 29th August, 2022, has been served upon the Petitioner. However, he does not have the acknowledgment from the Petitioner to indicate today that the Corporation has served the copy of the complaint.

2. The above statement is recorded as a statement made to the Court. We, therefore, indicate that if the above statement turns out to be false, we would issue notice of perjury to the Commissioner of the Pimpri Chinchwad Municipal Corporation.

3. *The date of Complaint is 29th August, 2022. The impugned suspension order is dated 21st October, 2024. The charge-sheet is issued on 17th February, 2025.*

4. *The learned Advocate for the Corporation desires to file an affidavit-in-reply. Let such affidavit-in-reply be filed, on or before 21st March, 2025. Rejoinder affidavit, if any, be filed, on or before 28th March, 2025*

5. *List this Petition on **2nd April, 2025**, in the urgent admissions category.*

6. *We record the statement of the learned Advocate for the Corporation, made on instructions, that whichever documents that the Petitioner has already demanded, vide his Application dated 24th February, 2025, they would be supplied to him, within 15 days in order to enable him to submit his reply to the charge-sheet, within 10 days from the date of receipt of the documents.”*

2. The learned Advocate representing the Corporation has tendered the original affidavit (3 pages), sworn by Mr. Shekhar Singh, Municipal Corporation, Pimpri Chinchwad Municipal Corporation, dated 23rd April, 2025, regretfully conveying that the record of the file concerned in the complaint dated 29th August, 2022 is misplaced and the Corporation is not in a position to place the acknowledgement of the Petitioner (of having received the said complaint that was lodged by the victim).

3. The said original affidavit is taken on record and marked as **‘X’** for Identification.

4. The learned Advocate for the Corporation submits that an endeavor would be made to conclude the enquiry within three months up to 31st July, 2025. The Petitioner has already received the copy of the complaint dated 29th August, 2022 under the RTI. He has also tendered his written explanation and the departmental enquiry has not commenced.

5. The learned Advocate for the Petitioner submits that he would wholeheartedly co-operate in the enquiry and would make an attempt to enable the Enquiry Officer to conclude the enquiry by 31st July, 2025.

6. We record that if this so happens, let the Enquiry Officer tender his report to the Management on or before 31st August, 2025 and further procedure, as is enunciated by the dictum of the Hon'ble Supreme Court in **Managing Director, ECIL, Hyderabad and Ors. Vs. B. Karunakar and Ors. 1993 (4) SCC 727**, shall be followed.

7. The suspension allowance would be paid to the

Petitioners strictly as per the rules as long as he is under suspension. Since the Petitioner has now received the complaint, though under the RTI, he has already tendered his explanation, the Enquiry Officer would consider his explanation which is on record while deciding the fate of the enquiry.

8. With the above statements recorded and the directions issued, the **Writ Petition is disposed off.**

9. All contentions of the litigating parties are kept open.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)