

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9341 OF 2024

Shri Swapnil Jayant Puranik. ... Petitioner.
Versus
The Chief Engineer (Development Plan) & Anr. ... Respondents.

Mr. B.A. Bandiwadekar, for the Petitioner.
Mr. R.Y. Sirsikar, for Respondent-BMC.

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

DATE : 7th MARCH, 2025

P.C. :

1. Oral submissions of the learned Advocate for the Petitioner have been concluded.

2. On 22.11.2024, when this matter was heard, the Advocate for the Corporation had sought an adjournment. Even an affidavit in reply was not filed. We, therefore, posted the matter for passing orders on 28.11.2024. Due to a very heavy board, the matter did not reach. Again on 10th December, 2024, it could not be taken up till 6 pm.

3. Today, the Corporation again seeks an adjournment.

Affidavit in reply is also not filed.

4. This is a glaring case before us. The dates and events would speak for themselves which are as under :

(a) The Petitioner was suspended on 10.6.2018, because he was arrested after registration of an FIR bearing C.R. No. 129 of 2018, on 25.5.2018 invoking Sections 420 and 34 of the Indian Penal Code.

(b) A charge-sheet is issued on 25.1.2021, after 37 months.

(c) A departmental enquiry was concluded in August, 2024 which is after 36 months.

(d) On 2.12.2024 the Enquiry Officer submitted a report stating that the enquiry should be kept in abeyance since a criminal case is pending.

(e) Criminal Case No. PW/6400715/2022 is pending before the Criminal Court.

(f) Admittedly, the Bombay Municipal Corporation has not conducted a review as to why the Petitioner's suspension should be continued from 10.6.2018 till March, 2025.

5. In view of the above, we find that the suspension ought not to continue in view of the stand of the Corporation that the suspension

would continue and departmental enquiry would be kept in abeyance until the Criminal Case is decided. The Petitioner is still receiving only 50% of his salary.

6. In view of the above, by way of an interim order, the suspension order dated 10.6.2018, shall not continue any further. The Management is at liberty to complete the departmental enquiry since the same need not wait till the criminal case is over. The Petitioner would be permitted to report for duties on 21st March, 2025 at such place where he is posted by the Corporation.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)