



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 1078 OF 2019

PETITIONER :

(Original Complainant)

Sunil s/o Narayanrao Bawane,
Aged about 48 years,
Occupation : Service,
R/o. Plot No.19/C, Gadge Nagar,
Near Durga Mata Mandir,
Ramna Maroti Road, Nagpur.

V E R S U S

RESPONDENTS :

(Original Respondents)

1. City of Nagpur Municipal Corporation
Through the Municipal Commissioner,
Civil Lines, NAGPUR.
2. The Additional Commissioner (GAD),
Nagpur Municipal Corporation,
Civil Lines, NAGPUR.
3. The Deputy Municipal Commissioner,
(General Administration Division),
Nagpur Municipal Corporation,
Civil Lines, NAGPUR.
4. The Divisional Enquiry Officer,
Nagpur Municipal Corporation,
Civil Lines, NAGPUR.

Shri A. S. Ponkshe, Advocate h/f Shri M. V. Samarth, Advocate for
petitioner.

Shri S. N. Bhattad, Advocate for respondents.

CORAM: M. W. CHANDWANI, J.

DATE : 08/09/2025.

ORAL JUDGMENT :

1. **Rule.** Rule made returnable forthwith. By consent of the
learned counsels for the parties, the matter is taken up for final
disposal.

2. Pursuant to rejection of the interim relief by the Industrial Court, Nagpur in Complaint ULP No.199/2018, the petitioner approached this Court under writ jurisdiction. The petitioner who is an employee of respondent No.1 was charge-sheeted and enquiry was conducted against him on the allegation of demand of bribery of Rs.5,000/- from the complainant. The Enquiry Officer exonerated him from the charges. The enquiry report was placed before respondent No.1 - Disciplinary Authority. The petitioner was convicted under the provisions of Prevention of Corruption Act, 1988 by the Competent Court. Respondent No.1, considering the conviction recorded by the Competent Court, directed re-enquiry in the matter.

3. Feeling aggrieved by the said decision of respondent No.1, the petitioner filed a complaint before the Industrial Court, Nagpur and also sought interim relief directing respondent No.1 not to proceed with the enquiry in the matter, till the disposal of the complaint which came to be rejected.

4. The learned counsel for the petitioner placed on record a copy of the Judgment dated 20/02/2024 delivered in Criminal Appeal No.85/2007, wherein this Court acquitted the petitioner and allowed the appeal of the petitioner by setting aside the

Judgment and order of conviction passed by the Special Court, Nagpur. Thus, the very basis / reason on which re-enquiry was ordered, does not exist in view of the order of acquittal passed by this Court in Criminal Appeal No.85/2007.

5. The petitioner can place this order before the Industrial Court, Nagpur for passing an appropriate order or may also apply to respondent No.1 for appropriate relief. Considering the order passed in Criminal Appeal No.85/2007, respondent No.1 shall not proceed with the enquiry, till the appropriate order is passed by the Industrial Court, Nagpur.

6. After considering the observations made in the report of the Disciplinary Authority, the Industrial Court, Nagpur may decide the complaint on its own merit.

7. The writ petition is allowed and disposed of. Rule is made absolute in the abovesaid terms.

[M. W. CHANDWANI, J.]