



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAW) NO. 786 OF 2025

IN

WRIT PETITION NO. 2087 OF 2024 (D)

(Gautam S/o Narayanrao Basutkar

Vs.

Coal India Limited, Thr. its Chairman cum Managing Director)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. J.D. Bastian, Advocate for the Petitioner.

Mr. P. Ghare, Advocate for the Respondent.

**CORAM: AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.**

DATED : 29th APRIL, 2025

1. Heard.

2. This is an Application for extension of the order dated 10.07.2024, by which the departmental proceedings against the Petitioner, were stayed for a period of nine months. The application has been filed on the ground, that there is no substantive progress, in the trial and only one witness has been examined by the prosecution and the examination of the other witnesses is going on, and therefore, continuation of the departmental proceedings, would cause prejudice to the Petitioner as the main witness is being examined.

3. The order dated 10.07.2024 granted nine months stayed the departmental enquiry by directing that in the

meantime every endeavour shall be made to conclude the trial against the Petitioner. The order sheet placed on record, would indicate, that the charge was framed on 01.08.2024 and summons issued to the witnesses. The first witness Amitabh Kuamr Singh was examined on 17.08.2024. The examination-in-chief of PW-2 Pratap was recorded on 06.09.2024. The further examination was recorded on 03.10.2024, in which various documents were exhibited in the presence of the Counsel of the accused. On an application of adjournment by the Counsel of the accused, penalty of Rs. 1,000/- was awarded on 28.10.2024. Further examination-in-chief of PW-2 was recorded on 14.11.2024 and 10.12.2024 and the matter was adjourned to 13.01.2025, when the Counsel for the accused filed an application for de-exhibiting the exhibited documents, and the matter was postponed on that count on 27.01.2025 and thereafter on 07.02.2025 when the application was heard and decided.

4. When a query was put to the learned Counsel for the Petitioner, as to whether there is any provision in the Evidence Act for de-exhibiting the documents, he candidly replied in the negative. This would clearly indicate, that the application at Exh. 66/D, was without any legal basis whatsoever and would therefore indicate procrastination on the part of the accused. This kind of conduct, ought not to be entertained. The record also shows subsequent adjournments being sought by the accused. This kind of conduct, cannot be countenanced, as on the one hand, the Petitioner seeks stay of the departmental proceedings on the ground that criminal prosecution is also on the same state of facts and on the other

hand, does not cooperate with the prosecution of the criminal proceedings. However, considering that PW-2 who is under examination and the Investigating Officer will be material witnesses, we extend the stay by two months, with the direction that no further extension shall be granted.

5. The Application is **disposed off**.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

SD. Bhimte