



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION No.5649 OF 2024

Sanjay Gulabsingh Chauhan,
Aged about 61 Years,
Occupation - Nil (Retired from service),
R/o. Gurukul Nagari Malkapur,
Opposite Om Sai Residency Apartment,
Taluka & District - Akola, 444 001. : PETITIONER

...VERSUS...

Zilla Parishad, Akola,
Through its Chief Executive Officer,
Akola District Akola,
Pin Code 444 001 : RESPONDENTS

Mr. Sachin Khandekar, Advocate for Petitioner.
Ms. Roma P. Bondade, Advocate for Respondent.

CORAM : **SMT. M.S. JAWALKAR AND**
NANDESH S. DESHPANDE, JJ.
RESERVED ON : **25th MARCH, 2026.**
PRONOUNCED ON : **07th APRIL, 2026.**

JUDGMENT : (Per : NANDESH S. DESHPANDE, J.)

1. Rule. Rule made returnable forthwith. Heard finally by the consent of the learned counsels for the parties.
2. By the present petition, the petitioner seeks to quash and set aside the departmental enquiry initiated against him by the respondent - Chief Executive Officer, Zilla Parishad, Akola, vide

memorandum of enquiry/charge-sheet dated 25.04.2011. The petitioner further seeks a direction to the respondent to release all consequential pensionary benefits, including gratuity along with interest as well as all other monetary benefits due and payable to him, which have been withheld on account of the pendency of the said departmental enquiry.

3. The facts giving rise to the present petition are as follows :

(i) The petitioner was serving as a Sectional Engineer with the respondent - Zilla Parishad, Akola and stood superannuated on 31.08.2021. It is the case of the petitioner that on 16.03.2009, he was suspended by the respondent on an allegations that false and incorrect entries were recorded in the Measurement Book in respect of the construction of a Kolhapuri Bandhara, which resulted in excess payment and misappropriation of funds.

(ii) Pursuant to the said allegations, a charge-sheet came to be issued to the petitioner on 25.04.2011. However, according to the petitioner, despite issuance of the charge-sheet, no effective steps were taken by the respondent towards completion of the departmental enquiry for the reasons best known to the

respondent.

(iii) It is further submitted that, as per Rule 3.19 of the Departmental Enquiry Rules, 1991 (for short, "the Rules"), the enquiry is required to be completed within a period of six months, extendable up to one year with prior approval of the competent authority. In the present case, more than 13 years have elapsed, yet no effective progress has been made in the enquiry.

(iv) It is also submitted that this Court, while deciding the case of one **Vasant Madhavrao Kulkarni (Writ Petition No. 3182 of 2022)**, was pleased to allow the petition on the ground of inordinate delay in concluding the departmental enquiry. The same has been upheld by the Hon'ble Supreme Court. According to the petitioner, his case stands on an equal footing as of, as both the petitioner and the said Vasant Madhavrao Kulkarni were suspended on 16.03.2009 and were issued charge-sheets on the same date, i.e., 25.04.2011.

(v) Lastly, it is contended that the inordinate delay on the part of the respondent in concluding the departmental enquiry is arbitrary, illegal, and violative of Article 14 of the Constitution of India.

(vi) In view of the aforesaid, the petitioner seeks

quashing and setting aside of the departmental enquiry initiated pursuant to the charge-sheet dated 25.04.2011 and further seeks a direction to the respondent to release all consequential pensionary and monetary benefits withheld on account of the pendency of the said enquiry.

4. On the contrary, the learned counsel for the respondent denies the contention of the petitioner. It is his case that the Enquiry Officer is demanding the supply of relevant documents from the department, but the same is not supplied to him as they were destroyed by the petitioner himself. This has given rise to a deadlock to the enquiry and hence the departmental enquiry could not be concluded on merits till date.

5. It is further submitted that the Enquiry Officer had also requested the Investigating Officer, appointed pursuant to the issuance of the charge-sheet, to supply copies of the said documents. However, even the said officer has failed to supply the required documents.

6. We have heard Mr. Sachin Khandekar, learned counsel for the Petitioner and Ms. Roma P. Bondade, learned counsel for the respondent and in the backdrop of the aforesaid circumstances, we have perused the material placed on record.

7. From the above narrative, it is clear that there is inordinate delay in proceeding with the departmental enquiry and no cogent reason is coming forward from the respondent for the same. Rule No.3.19 of the Departmental Enquiry Rules, 1991 stipulates the enquiry to be completed within six months and it can be extended further only with the prior approval of the competent authority. No such exercise seems to be done in the present case. Furthermore, in Writ Petition No.3182 of 2022, a co-ordinate Bench of this Court has already held that even if the period which is stipulated for completion of enquiry is not mandatory, inordinate delay in completion of the said and more particularly when the employee is superannuated is arbitrary and violative of Article 14 of the Constitution of India.

8. We are of the considered view that the departmental enquiry initiated against the petitioner, as also the consequential charge-sheet, must be quashed and set aside inasmuch as it is an admitted position that the respondent, for more than 13 years, has failed to take any progressive steps to conclude the departmental enquiry initiated against the present petitioner.

9. The Court, therefore, is inclined to release the consequential benefits in favour of the petitioner on failure of completion of departmental enquiry within reasonable time on the

part of the respondent. We, therefore, pass the following order :

ORDER

- (i) The Writ Petition is allowed.
- (ii) The departmental enquiry initiated against the petitioner by the respondent-Chief Executive Officer, Zilla Parishad Akola, vide memorandum of enquiry/charge-sheet dated 25.04.2011, is quashed and set aside.
- (iii) The Respondent – Chief Executive Officer, Zilla Parishad, Akola, is directed to release the entire retiral benefits including the pension or the arrears of pension till 31.5.2026 as the case may be, to the petitioner along with interest at rate of 8% per annum, within the next ninety days.
- (iv) The Writ Petition is disposed with no order as to costs.
- (v) Rule is made absolute in above mentioned terms.

(NANDESH S. DESHPANDE, J.)

(SMT. M.S. JAWALKAR, J.)