

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 578 OF 2018

DISTRICT: - JALGAON.

Shri Sunil Sandu Ingle,
Age-50 years, Occ. : Service,
R/o Mayur Colony, Pimprala,
Tq. Dist. Jalgaon

.. APPLICANT.

V E R S U S

- 1] **The State of Maharashtra,**
Department of Home,
Mantralaya, Mumbai.
Through: The Secretary.
- 2] **The Superintendent of Police,**
Jalgaon, Tq. Dist. Jalgaon.
- 3] **Sub Divisional Police Officer,**
[The Inquiry Officer]
Muktainagar, Tq. Muktainagar,
Dist. Jalgaon.

.. RESPONDENTS.

APPEARANCE : Shri. C.V Dharurkar, ld. Advocate
for the applicant.

: Shri M.S. Mahajan – learned Chief
Presenting Officer for the respondents.

CORAM : **JUSTICE M.T. JOSHI, VICE CHAIRMAN**

DATE : **19TH DECEMBER, 2018.**

O R A L O R D E R

1. Heard Shri C.V. Dharurkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The present case is placed before the Single Bench due to non-availability of Division Bench. At the request and by consent of both the parties, the present case is taken up for final disposal.

3. Learned Advocate for the applicant has filed the copies of FIRs and the same are taken on record and marked as document 'X' for the purpose of identification.

4. The present Original Application has been filed by the applicant seeking the following relief : -

“B] The Departmental Inquiry initiated against the applicant pursuant to order dated 11.06.2018 bearing outward No. क.५६/विचौ/पोना.सु.सां.इंगळे/३६३/२०१८ [Annexure – A.10] passed by the respondent No. 2 may kindly be stayed during pendency of and until conclusion of the Criminal trials pending against him in pursuant to FIR No. 45/2007 u/s 494, 417, 323, 504, 506, 420 of I.P.C. and FIR No. 46/2017 u/s 354-A, 323, 504 and 506 of the IPC and S. 8 of the POCSO Act both registered at Savda Police station.”

5. Learned Advocate for the applicant submits that FIR No. 45/2017 is lodged against the present applicant at Savda Police Station and as regards this FIR criminal case is filed in the JMFC, Raver, Dist. Jalgaon; and FIR No. 46/2017 is also

lodged against the present applicant at Savda Police Station and as regards this FIR criminal case is filed in the JMFC, Bhusaval.

6. It is fairly conceded by both the sides that in view of the decision rendered by the Hon'ble Supreme Court in the case **STANZEN TOYOTETSU INDIA P. LTD. VS. GIRISH V. AND ORS. [Civil Appeal Nos. 763-768 of 2014 (Arising out of S.L.P. (C) Nos. 30371-30376 of 2012) decided on 21.01.2014** and **STATE BANK OF INDIA AND OTHERS VS. NEELAM NAG [Civil Appeal No. 4715 of 2011] decided on 16.09.2016**, the departmental enquiry cannot be stayed for indefinite time waiting for the decision in the Criminal Court. Therefore, via media is found by the Hon'ble Supreme Court that the Criminal Court, which is dealing with the same issue shall be directed to conclude the proceeding within a period of one year and till then the proceeding in the departmental enquiry shall be stayed and in case the proceeding could not be concluded by the Criminal Court within the stipulated period, then the departmental enquiry though lodged on the same facts shall resume thereafter. The copies of the aforesaid judgments delivered by the Hon'ble Supreme Court are taken on record.

6. In view of the fact that the this Tribunal has no jurisdiction to issue any direction to the Criminal Court instead the concerned Criminal Courts i.e. J.M.F.C. Raver & Bhusaval, which are dealing with the criminal cases are requested to conclude the criminal cases filed against the present applicant within a period of one year from the date of this order. Both the sides are directed to place the copy of this order in the respective criminal cases. In case, criminal cases would not be concluded within the aforesaid period then thereafter the departmental enquiry shall proceed further. With this the hearing in the D.E. is stayed for a period of one year from the date of this order.

7. Accordingly, the present Original Application is disposed of without any order as to costs.

VICE CHAIRMAN

PLACE : AURANGABAD.

DATE : 19TH DECEMBER, 2018.

O.A.NO.578-2018(DB-D.E.)-HDD-2018