

Coram : Hon'ble Mr. P.H. Trivedi : Vice Chairman
Hon'ble Mr. P.M. Joshi : Judicial Member.

27-4-1987

Heard learned advocates Mr. S. K. Zaveri for the applicant and Mr. Shevde for the respondent. Mr. Shevde has filed a caveat petition.

2. The applicant's case is that the Criminal Court has discharged him summarily and this discharge is even on a better footing than acquittal on merits because even ex facie no case for inquiry into the charges could be established against him. He has relied upon 1983 (1) LLA 151 and 1976 SLR 133 & 585. The respondent's advocate has stated that the criminal case could not be proceeded with because the court observed that F.I.R. was filed after considerable delay. This was a technical ground for summary discharge and not acquittal based on inquiry into merits of the case. For this reason, such a discharge is no bar against disciplinary proceedings.

3. Another contention of the petitioner is that the Vigilance Department has made this a prestigious issue and, therefore, there is mala fide against him. The respondent has stated that it is the proper task of the Vigilance Department to pursue errant officers and no mala fide has been alleged against the Enquiry Officer personally.

4. After hearing the learned advocates we find that there is no merit in the petition on either of the two grounds namely discharge by the criminal court being a bar against disciplinary proceedings and mala fide alleged.

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We note that the inquiry has already reached the stage of ^Precording evidence and the Inquiry Officer has been appointed since November, 1985.

5. The application is summarily dismissed.

P.H. Trivedi
(P.H. Trivedi)
Vice Chairman.

P.V. Joshi
(P.V. Joshi)
Member Judicial.