

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7057 OF 2015

Patangkumar Gagan Sushilkumar .. Petitioner

Versus

The Disciplinary Authority and Zonal Manager,
Aurangabad Zone and Others .. Respondents

Shri Abhay R. Rathod, Advocate for the Petitioner

Shri K. J. Ghute Patil, A. G. P. for the Respondent / State

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 15TH JULY, 2015.

PER COURT :

1. Mr. Rathod the learned counsel for the petitioner strenuously contends that, the charge sheet is not issued by the Disciplinary Authority as is contemplated under the Rules. The petitioner is a scale 2 employee. The Disciplinary Authority as per the rules is the Chief Manager who is Scale 4 employee. However, charge sheet is issued by A.G.M. who is infact an Appellate Authority and is officer of Scale 6. The learned counsel submits that, the inquiry initiated is itself illegal on this ground.

2. The learned counsel further submits that, the inquiry initiated is groundless i.e. without any ground. There are documents on record by virtue of which the Bank can go for recovery. No loss is being caused to the Bank. Under compulsion the petitioner was required to pay the amount. The petitioner may not be subjected to inquiry, more particularly, when there is no sustainable ground under the inquiry.

3. The order of suspension is not stigmatic nor by way of punishment but it is pending inquiry. It would be too premature for us to give any finding upon the contentions raised by the petitioner. Any finding at this stage would be prejudging the issue itself.

4. In light of the above, the writ petition stands disposed of. We make it clear that, we have not considered the contentions raised by the petitioner in this behalf on merits considering the fact that the inquiry is pending. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]