

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 3431 OF 2014

Sau.Poornima W/o Hemant Hazare

-vs-

Maharashtra State Bharat Scouts & Guides and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.P.P.Thakare, counsel for the petitioner.
Mr.V.A.Dhabe, counsel for the respondents.

CORAM : SMT.VASANTI A. NAIK &
A.M.BADAR, JJ.

DATE : 20.07.2015.

By this petition, the petitioner challenges the order of the District Chief Commissioner, dated 31/05/2013 terminating the services of the petitioner as also the order of the respondent No.1-State Chief Commissioner, dated 17-19/09/2013, confirming the order of the District Chief Commissioner, Gadchiroli.

The petitioner was appointed as a District Organizer in Maharashtra State Bharat Scouts and Guides in the year 2001. The petitioner was promoted on the post of District Organizer Commissioner. A charge-sheet was served on the petitioner on 09/08/2012 and since the explanation of the petitioner was not found to be satisfactory, a departmental enquiry was conducted against her. The petitioner was held guilty of all the six charges, viz. remaining absent from duty without seeking leave, not punctually attending the office, dereliction of duties assigned to the petitioner by the Commissioner, not remaining present at the Head Office and giving false certificates to show that the petitioner remained

in the Head Office. In the departmental enquiry, the petitioner was granted an opportunity to defend the charges. By the impugned order of the District Chief Commissioner, the services of the petitioner were terminated after the charges were held to be proved. The petitioner filed an appeal against the order of the District Chief Commissioner before the State Chief Commissioner, but the same was dismissed by the order dated, 17-19/09/2013.

On hearing the learned counsel for the petitioner and on a perusal of the impugned orders, it appears that there is no scope for interference with the orders, in exercise of the writ jurisdiction. The petitioner was granted a fair opportunity to defend the charges. The Enquiry Committee found on an appreciation of the material on record that the petitioner was guilty of all the charges levelled against her. This Court would not sit in appeal over the order of the Disciplinary and Appellate Authority, while considering the correctness of the orders, in exercise of the writ jurisdiction. The submission made on behalf of the petitioner that since the petitioner was not granted a fair opportunity in the preliminary enquiry and, therefore, the orders are liable to be set aside is liable to be rejected, as admittedly the petitioner was granted a reasonable opportunity to defend the charges in the departmental enquiry.

Since the impugned orders appear to be just and proper, the writ petition is dismissed with no order as to costs.

JUDGE**JUDGE**