

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 5364/2015

(Govinda s/o Narayan More vs. Principal District & Sessions Judge Buldana and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Shri A.V. Bhide, Advocate for the petitioner
Miss N.P.Mehta, Assistant Govt. Pleader for Respondent No.2

CORAM : SMT. VASANTI A. NAIK &
A.I.S. CHEEMA, JJ.

DATED : 19th October, 2015.

Heard.

By this petition, the petitioner challenges the order of the Disciplinary Authority-Principal District and Sessions Judge, Buldana, dated 9.10.2012, withholding two successive annual increments of the petitioner, permanently. By the impugned order, the petitioner was also warned that if similar misconduct was repeated by the petitioner, the same would be viewed seriously and it would entail serious consequences.

The petitioner was appointed as a Peon in the Court of the Principal District and Sessions Judge, Buldana, some time in 1990. At the relevant

time, the petitioner was posted as a *Chowkidar*-Watchman, in the Court of Civil Judge, Junior Division at Malkapur. The petitioner was charged of remaining absent without leave, flouting the orders of his superiors, handing over the court keys to a private person on rejection of leave application, making false complaints against the superiors and dereliction of duties and irresponsible conduct. A departmental enquiry was conducted against the petitioner and the charges levelled against the petitioner were proved. It was found by the Inquiry Officer that the petitioner absented himself from duty without leave, flouted the orders of his superiors and handed over the court keys to private persons and made false complaints against his superiors. The Disciplinary Authority, by the impugned order, dated 9.10.2012, withheld two successive annual increments of the petitioner, permanently. The order of the Disciplinary Authority was challenged by the petitioner in a departmental appeal before the Appellate Authority. The Appellate Authority, by the order dated 8th June 2015, dismissed the Appeal filed by the petitioner. Both the orders are impugned in the instant petition.

On hearing the learned counsel for the parties, it appears that there is no scope for interference with the impugned order, in exercise of the writ jurisdiction. The departmental enquiry

conducted against the petitioner is not flawed. The Appellate Authority observed that a lenient view in the case of the petitioner was taken as the petitioner suffered physical disablement to a certain extent and a minor penalty was imposed upon the petitioner. It was found in the enquiry that though the petitioner was working as a Watchman, the petitioner had unauthorisedly remained absent, without leave. The petitioner handed over the keys of the Court to a Bar Room Peon of the Bar Association, on 24.9.2011 and asked him to hand it to the Peon of the Court. The Inquiry Officer found that the aforesaid behaviour of the petitioner was totally irresponsible. The Appellate Authority found that the petitioner did not raise any plausible defence in the departmental enquiry. It was found that though light duties were assigned to the petitioner and the petitioner was given the job of a Watchman so that the petitioner should not be required to exert much physically, the petitioner misconducted himself in performing the duties. Since the punishment inflicted on the petitioner is not disproportionate to the act of the misconduct committed by the petitioner, the impugned orders cannot be lightly interfered with.

Since the order of the Disciplinary and the Appellate Authorities are just and proper, the Writ

Petition is dismissed, with no order as to costs.

JUDGE

JUDGE

sahare