

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5821 OF 2016

Baba Pandit Ghodake,
Age-46 years, Occu-Nil,
R/o Pargaon Sudrik, Tq.Shrigonda,
Dist.Ahmednagar

-- PETITIONER

VERSUS

1. Pargaon Sudrik Vividh Karyakari
Seva Sahakari Society Ltd.,
Pargaon Sudrik, Tq.Shrigonda,
Dist.Ahmednagar,
Through its Chairman,

2. Pargaon Sudrik Vividh Karyakari
Seva Sahakari Society Ltd.,
Pargaon Sudrik, Tq.Shrigonda,
Dist.Ahmednagar,
Through its Secretary

-- RESPONDENTS

Mr.P.V.Barde, Advocate for the petitioner.

Mr.H.D.Deshmukh h/f Mr.N.V.Gaware, Advocate for respondent Nos.
1 and 2.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 21/11/2016

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally by the
consent of the parties.

2. I have heard the learned advocates for the respective sides at

length. Since this matter is being disposed of and this order is being passed by consent, I am not required to deal with their entire submissions.

3. The petitioner has preferred Complaint (ULP) No.79/2010 before the Labour Court for challenging his termination dated 13/12/2010 w.e.f. 15/12/2010 by way of punishment after conducting a domestic enquiry into the charges levelled upon him vide charge sheet dated 12/07/2010. By the Part-I judgment of the Labour Court dated 10/10/2014, the enquiry is vitiated on account of violation of the principles of natural justice and the findings of the Enquiry Officer have been declared as perverse.

4. The respondent/Management preferred Revision (ULP) No.9/2015 before the Industrial Court, which has been allowed by judgment dated 17/12/2015 and the Part I judgment of the Labour Court stood set aside as the Industrial Court concluded that the enquiry is fair and proper and the findings of the Enquiry Officer are not perverse.

5. It needs mention that the respondent/Management, to my surprise, has examined the Enquiry Officer as its witness on the first

two issues regarding the fairness of the enquiry. The Enquiry Officer is a quasi-judicial authority and is a creation of the Standing Orders / Service Rules. He is like a judge in a departmental/domestic enquiry. He is neither required to be arrayed as a respondent, nor is he required to be examined.

6. This Court has settled this issue in the matter of Maharashtra State Road Transport Corporation, Beed and another Vs. Syed Saheblal Syed Nijam by its judgment dated 03/05/2014, 2014(4) Mh.L.J. 687 that the first two issues with regard to the fairness of the enquiry and the findings of the Enquiry Officer, are to be dealt with by scrutinizing the record and proceedings of the enquiry. This view was taken in an earlier judgment in the case of Maharashtra State Co-operative Cotton Growers Marketing Federation Ltd., and another Vs. Vasant Ambadas Deshpande, decided on 07/01/2014, 2014(3) Mh.L.J. 339 = 2014(I) CLR 878.

7. While arriving at the conclusions in the above two judgments, this Court has considered the law laid down in the following cases :-

[1] *Permanent Magnets Vs. Vinod Vishnu Wani and others*, 2002(3) Mh.L.J. 413 = 2002(93) FLR 32.

[2] *Vinod Vishnu Wani and others Vs. Permanent Magnets*,

2002(93) FLR 66.

- [3] *Delhi Cloth and General Mills Company Limited Vs. Ludh Budh Singh*, 1972(1) SCC 595,
- [4] *Shambhu Nath Goyal Vs. Bank of Baroda*, 1984(4) SCC 491,
- [5] *A.H.Wadia Charity Trust and others Vs. Neville Jathan and others*, 2002(@) Mh.L.J. 723 = 2002 (suppl.) Bom.C.R. 773,
- [6] *Bharat Forge Company Ltd., Vs. A.B.Zodge and another*, AIR 1996 SC 1556,
- [7] *K.S.R.T.C. Vs.Lakshmiddevamma and another*, 2001(II) CLR 640.

8. Paragraph No.10, 17, 18, 19, 20 and 22 in the Vasant Deshpande's judgment (supra) read as under :-

“10. The Law on conducting a de-novo enquiry is settled in light of the Apex Court judgments in case of *Bharat Forge Vs. A.B. Zodge* reported at 1996(73) FLR 1754 and *K.S.R.T.C. Vs. Lakshmiddevamma and another*, 2001 II CLR 640. As such, there is no doubt that if an employer reserves its right in its written statement to conduct a de-novo enquiry in the event of the domestic enquiry being held as vitiated for any reason whatsoever, the Labour Court, upon concluding that the enquiry is vitiated, has to allow the employer to conduct a de-novo enquiry.

17. In the instant case as well, the Labour Court concluded that the findings of the Enquiry Officer are perverse and the entire complaint has been allowed by the same judgment without affording any opportunity to conduct a de-novo enquiry to the petitioners Management. The only distinction is that in the

Permanent Magnet's case (supra), the final order of the punishment was passed and in the instant case, the punishment was proposed in the 2nd show cause notice.

18. Nevertheless, the abovesaid procedure is crystallized by Judge made Law in view of catena of judgments. The ratio in cases of Bharat Forge, K.S.R.T.C. and Permanent Magnet's case (supra) shall equally apply to cases wherein the 2nd show cause notice is challenged on identical footings. Therefore, the right to conduct a de-

novo enquiry is equally available to every employer, be it in a case where the order of punishment is issued or in a case where punishment is proposed by a 2nd show cause notice.

19. Unless the enquiry was set aside on any count, there was no scope for conducting a de-novo enquiry which right was reserved by the petitioners herein in its written statement. By-passing this settled procedure, the Labour Court in one stroke has branded the findings of the Enquiry Officer as perverse and by accepting the evidence adduced by the respondent, has delivered its final judgment. The conclusion drawn by the Labour Court of declaring the findings as perverse on the basis of evidence adduced before it and in the backdrop of the respondent employee having neither led evidence through his witnesses nor cross examined the management witnesses, is an unsustainable conclusion. Procedure unknown to Law has been resorted to by the Labour Court.

20. As has been held by the Apex Court in the case of Kumaon Mandal Vikas Nigam Ltd., V/s. G.S. Pant and others, 2001(I)

CLR 12, perversity in the findings of the Enquiry Officer necessarily pre-suppose that the conclusions drawn by the Enquiry Officer and reasons assigned in support of such conclusions are either based on no evidence in the enquiry or are based upon mis-reading of the evidence in the enquiry.

22. Since the respondent employee sought to brand the findings as perverse, such a challenge needs to be considered only on the basis of the evidence recorded in the enquiry and the findings arrived at by the Enquiry Officer in light thereof. The respondent employee led evidence before the Labour Court attempting to bring on record such material which was never before the Enquiry Officer. Fresh evidence recorded before the Labour Court, in my view, can not be the basis for branding the findings of the Enquiry Officer as perverse.”

9. It appears from the record in this matter that the Labour Court has relied upon the record and proceedings of the enquiry as well as the examination and cross examination of the Enquiry Officer. In fact, the Labour Court should have precluded the respondent / Management from adducing oral evidence in the light of the judgments of this Court in the matter of MSRTC and Vasant Ambadas Deshpande (supra), much less record the evidence of the Enquiry Officer who had conducted the enquiry as per the service Rules. Though this was unwarranted, the Labour Court has dealt with the proceedings of the enquiry and has concluded that the enquiry is vitiated.

10. In so far as the examination of witnesses by the Management is concerned, the petitioner/employee was defending himself and the Management examined two witnesses namely Nana Dada Madke and Nivrutti Mote on the same date 18/09/2010. The petitioner could not cross examine these witnesses on the same date and they were discharged on the ground that the petitioner did not file an application for seeking adjournment. Again on 25/09/2010, two witnesses were examined, one after the other, namely Shivaji Maruti Danave and Tulshiram Khandu Khetmalis. They were also discharged on the ground that the petitioner did not cross examine them on that date. Thereafter the enquiry was concluded on 11/10/2010.

11. The Labour Court has considered these aspects and has rightly set aside the enquiry. I am unable to concur with the conclusions of the Industrial Court that because the petitioner did not file an application for seeking an adjournment, the enquiry was conducted in a fair manner notwithstanding the fact that two witnesses were examined in one stroke on two occasions and the petitioner was expected to cross examine these witnesses on the same date.

12. In so far as the charge sheet is concerned, it is apparent that charge No.1 is totally vague and ambiguous. No instances of abusive behaviour are cited. In a single sentence, the Management has framed the charge that the petitioner speaks arrogantly with the Chairman of the Institution, Members of the Committee and co-employees every time. With such a charge, the petitioner/employee could not have defended himself without any necessary details as regards instances of such behaviour.

13. Charge No.2 is that the petitioner left office early on 07/02/2001 though he was aware that the Assistant Registrar, Co-operative Societies, Shrigonda was to visit the Society. This charge has been dug out after 9 years and 5 months in the charge sheet dated 12/07/2010. Such a stale charge cannot be dug out, is settled law.

14. Charge No.4 indicates that the petitioner had used intemperate language about the local deity Sudrikeshwar Maharaj and some other Gods and Goddesses and therefore the villagers had got agitated and their sentiments were hurt. I am unable to accept the contention of the respondent that this could be a charge under the standing orders applicable to the society. Charge No.5 indicates that the petitioner

was warned in writing on 13/09/2006 regarding an earlier misdemeanor. This would constitute the past record of the petitioner and would not amount to a charge.

15. The only charge that appears to be worth considering is that the petitioner left his work premises early and without prior permission on 23/12/2009.

16. This Court in the case of Griffon Laboratories Pvt. Ltd. Vs. Maharashtra Shramik Sena and others [2001 III CLR 655], has observed as under:-

10. The first point to which it would be necessary to advert is the question as to whether the Part-I Award of the Labour Court by which the Court came to the conclusion that the charge-sheet was vague suffers from any infirmity. The Learned Counsel appearing on behalf of the Union and the workmen submitted that the employer was now estopped from challenging the correctness of the finding of the Labour Court that the enquiry was not fair and proper since on the basis of that finding, the employer had sought and availed of the opportunity to adduce evidence before the Labour Court on the charge of misconduct. The submission was that since the employer had elected to lead evidence before the Labour Court without reserving to himself a right to challenging the Part-I Award, the employer now should

not be permitted to invoke the jurisdiction of this Court under Article 226 of the Constitution to do so. There cannot be a hard and fast rule in such cases. Indeed, as the Supreme Court noted in Cooper Engineering Ltd. v. P.P. Mundhe, (1975) IILLJ 379 SC, the Court should not normally encourage a challenge to a Part-I Award upon a finding that the enquiry was not fair and proper since it is open to the employer to seek an opportunity to lead evidence before the Labour Court upon which a challenge to the finding which has been arrived at can always be preferred. However, it would be appropriate in my view in the facts of the present case to consider and dispose of the challenge by the employer to the correctness of the award of the Labour Court insofar as it held that the enquiry was vitiated on account of a vagueness of the charge-sheet. In the present case, the charge-sheet which was issued by the employer, informed the workmen that it had "come to the knowledge of the management that on 9th June, 1982 the workmen along with other workmen had indulged in violence, bodily assault and threat with further dire consequences against the employee of the Company." The charge-sheet cannot be described as anything but vague. The charge-sheet does not contain the identity of the employee who was assaulted, any details of the nature of the assault and absolutely no reference to the time or place of the incident. Significantly, the charge-sheet does not even purport to rely upon the alleged complaint dated 14th June, 1982, which was made to the management. The object of requiring the employer to present a charge-sheet with a degree of precision, containing a disclosure of the circumstances of the case which are alleged to

constitute misconduct, is to enable the charge-sheeted workman to have a real opportunity of defending himself. To ask the workman to defend himself against a general allegation of misconduct without specification of particulars denies to him an effective right of defending himself. An employee who is called upon to defend himself must know what he has to defend himself against. What the employee is to defend himself against has to be discernible from the charge-sheet which is issued to him. charge-sheets of the kind involved in the present case are replete with a great potential of mischief because if such charge-sheets were allowed to stand, it would be open to the employer to lead any and every kind of evidence during the course of the departmental enquiry on the basis of vague and undefined allegations of misconduct. This would be a travesty of fairness and reasonableness and would lead to a grave miscarriage of justice. The requirement that the charge-sheet must be precise and must contain a statement of imputations constituting the foundation of misconduct is a basic principle of natural justice. Natural justice in a disciplinary enquiry must mean that the employee must have notice of the charges, first and foremost. This is a fundamental stipulation the non-compliance of which would vitiate the enquiry. Additionally, in matters relating to workmen to whom the Industrial Employment Standing Order Act, 1946 applies, the requirement of furnishing an appropriate charge-sheet containing relevant particulars is a requirement of the statute itself. In this regard, reference may be made to Model Standing Orders 25(3) and 25(4) of the Model Standing Orders framed in pursuance of the provisions of the Act. These

provisions are as follows :-

"25(3) No order of dismissal under Sub-clause (d) of Clause (1) shall be made except after holding an enquiry against the workman concerned in respect of the alleged misconduct in the manner set forth in Clause (4).

25(4) A workman against whom an inquiry is proposed to be held shall be given a charge-sheet clearly setting forth the circumstances appearing against him and requiring his explanation. He shall be permitted to appear himself for defending him or shall be permitted to be defended by a workman working in the same department as himself or by any office bearer of a trade union of which he is a member. Except for reasons to be recorded in writing by the officer holding the inquiry, the workman shall be permitted to produce witnesses in his defence and cross-examine any witness on whose evidence the charge rests. A concise summary of the evidence led on either side and the workman's plea shall be recorded.

All proceedings of the inquiry shall be conducted in English, Hindi or Marathi according to the choice of the workman concerned and the person defending him.

The inquiry shall be completed within a period of three months : Provided that the period of three months may, for reasons to be recorded in writing be extended to such further period as may be deemed necessary by the inquiry officer."

The importance putting the workmen whose conduct is to be enquired into in a departmental enquiry on notice of the allegation of misconduct in an appropriately prepared charge-sheet has been laid down in a judgment of three Learned Judges of the Supreme Court in Surath Chandra v. State of West Bengal, (1971) ILLJ 293 SC. The Supreme Court has held thus:

"The grounds on which it is proposed to take action have to be reduced to the form of a definite charge or charges which have to be communicated to the person charged together with a statement of the allegations on which each charge is based and any other circumstance which it is proposed to be taken into consideration in passing orders has also to be stated. This Rule embodies a principle which is one of the basic contents of a reasonable or adequate opportunity for defending oneself. If a person is not told clearly and definitely what the allegations are on which the charges preferred against him are

founded he cannot possibly, by projecting his own imagination, discover all the facts and circumstances that may be in the contemplation of the authorities to be established against him."

This Judgment of the Supreme Court was followed subsequently by a bench of two Learned Judges consisting of Mr. Justice E. S. Venkataramiah and Mr. Justice Saybyasachi Mukharji (as the Learned Chief Justices then were) in Sawai Singh v. State of Rajasthan, . The deficiencies which vitiate a vague charge-sheet cannot be allowed to be supplemented by recourse to evidence at a later stage. An employer cannot be heard to contend that he will issue a vague charge-sheet but, will put the employee whose conduct is being enquired into on notice of the allegations against him when evidence is adduced during the course of enquiry. Much prior to the evidence being adduced, the employee has to file a reply to the charge-sheet setting out the nature of his defence and it is in the preparation of this defence that the employee is prejudiced if he has not been told precisely what is the charge which he is required to meet. I am in respectful agreement with the principle enunciated by my Learned Brother Mr. Justice B. N. Srikrishna, in Miraj Taluka Girni Kamgar Sangh v. The Manager, Shree Gajanan Weaving Mills, Sangh and Ors., . The learned Judge has held thus :-

" An employee faced with a vague charge that he is guilty of a described type of misconduct, would be extremely hard put to defend himself against the

charge unless he is informed such particulars as would enable him to give an effective reply thereto and demonstrate that the charges are false or, otherwise not acceptable. Scanning the charge-sheet given to the petitioner in the present case, I am of the view that it can be used as a model for what a charge-sheet ought not to be. In my Judgment, therefore, the charge-sheet itself ought to have been quashed and struck down by the two Courts below on this very count. The fact that voluminous evidence is led in enquiry is no substitute for a charge-sheet clearly setting forth the allegations with sufficient precision and particulars so as to enable the employee to defend himself. That is the very purpose of a charge-sheet. This is the barest requirement of a charge-sheet consistent with principles of natural justice and any charge-sheet which fails to comply with this requirement is no charge-sheet at all. If the charge-sheet fails to stand up to this test, the rest of the domestic enquiry is useless and is merely an eyewash."

The Judgment of the Learned Single Judge in Miraj Taluka Girni Kamgar Sangh's case (supra) is a clear answer to the submission urged on behalf of the employer that though the charge-sheet was vague, the vagueness of the charge-sheet was duly taken care of by intimating to the workmen initially on 17th September, 1982 the name of the employee who was assaulted

and by disclosing the complaint dated 14th June, 1982 in the course of the enquiry. The conduct of the Company in the present case was anything but fair. The charge-sheet itself was issued on 15th June, 1982 and as stated earlier, there was no disclosure of any details relating to the incident or the identity of the workman who was assaulted. The workmen immediately upon receipt of the charge-sheet complained on 17th June, 1982 of the vagueness of the charges levelled. It was only on 17th September, 1982, three months thereafter, that the Company stated that "for obvious reasons" it had not revealed the name of the assaulted employee in the charge-sheet of 15th June, 1982. The name of the employee was then divulged as J.G. Waje. There was nothing obvious in the reasons which motivated the employer from refusing to divulge the name of the employee who was assaulted. If the allegation was that the workmen had assaulted a particular co-workman, the failure to disclose the name of the workman could not be justified with reference to a desire to protect the workman. Even on 17th September, 1982 the employer did not divulge to the workmen the fact that a complaint or a statement has been made by the complainant-workman to the employer. But, what is of importance is that even at that stage there was no disclosure whatsoever of any details relating to the alleged incident. The allegation against the workmen was that they had assaulted the complainant who had called 11 temporary workmen for rendering work. It was alleged that the temporary workmen worked for only one day as a result of the threat and intimidation and did not report thereafter. There was no disclosure as to who these 11 workmen were and

something more will have to be observed on this issue at a subsequent stage of the Judgment when the evidence before the Labour Court is considered. The Learned Counsel appearing on behalf of the employer sought to contend that the cross-examination of the complainant-workman was exhaustive both in terms of the number of questions posed and the time which was consumed in the cross-examination. Cross-examination cannot supplant the deficiency in an improper framing of a charge of misconduct. Similarly, the disclosure of the alleged statement by the employer in the course of enquiry cannot exculpate the employer from the plain consequences of a vague charge-sheet. The production of documents and an opportunity of cross-examination are matters which relate to and arise in the context of the proof of misconduct. The framing of charges is one step anterior thereto and, perhaps as fundamental, involving as it does a disclosure of the imputations or allegations against the employee. In the circumstances of the present case, I have no hesitation in affirming the conclusion in the Part-I Award of the Labour-Court that the enquiry was thus not fair and proper."

17. The Honourable Apex Court in the matter of Anant R. Kulkarni Vs. Y.P.Education Society and others [(2013) 6 SCC 515], has held as under:-

" Enquiry at belated stage:

14. *The court/tribunal should not generally set aside the*

departmental enquiry, and quash the charges on the ground of delay in initiation of disciplinary proceedings, as such a power is de hors the limitation of judicial review. In the event that the court/tribunal exercises such power, it exceeds its power of judicial review at the very threshold. Therefore, a charge-sheet or show cause notice, issued in the course of disciplinary proceedings, cannot ordinarily be quashed by court. The same principle is applicable in relation to there being a delay in conclusion of disciplinary proceedings. The facts and circumstances of the case in question, must be carefully examined, taking into consideration the gravity/magnitude of charges involved therein. The Court has to consider the seriousness and magnitude of the charges and while doing so the Court must weigh all the facts, both for and against the delinquent officers and come to the conclusion, which is just and proper considering the circumstances involved. The essence of the matter is that the court must take into consideration all relevant facts, and balance and weigh the same, so as to determine, if it is infact in the interest of clean and honest administration, that the said proceedings are allowed to be terminated, only on the ground of a delay in their conclusion. (Vide: State of U.P. v. Brahm Datt Sharma and Anr. : AIR 1987 SC 943; State of Madhya Pradesh v. Bani Singh and Anr. : AIR 1990 SC 1308; State of Punjab and Ors. v. Chaman Lal Goyal : (1995) 2 SCC 570; State of Andhra Pradesh v. N. Radhakishan: AIR 1998 SC 1833; M.V. Bijlani v. Union of India and Ors. : AIR 2006 SC 3475; Union of India and Anr. v. Kunisetty Satyanarayana : AIR 2007 SC 906; The Secretary, Ministry of

Defence and Ors. v. Prabash Chandra Mirdha: AIR 2012 SC 2250; and Chairman, LIC of India and Ors. v. A. Masilamani : JT (2012) 11 SC 533).

Enquiry-on vague charges:

15. In *Surath Chandra Chakravarty v. The State of West Bengal: AIR 1971 SC 752* this Court held, that it is not permissible to hold an enquiry on vague charges, as the same do not give a clear picture to the delinquent to make out an effective defence as he will be unaware of the exact nature of the allegations against him, and what kind of defence he should put up for rebuttal thereof. The Court observed as under:-

The grounds on which it is proposed to take action have to be reduced to the form of a definite charge or charges which have to be communicated to the person charged together with a statement of the allegations on which each charge is based and any other circumstance which it is proposed to be taken into consideration in passing orders has to be stated. This rule embodies a principle which is one of the specific contents of a reasonable or adequate opportunity for defending oneself. If a person is not told clearly and definitely what the allegations are on which the charges preferred against him are founded, he cannot possibly, by projecting his own imagination, discover all the facts and circumstances that may be in the contemplation of the authorities to

be established against him. (Emphasis added)

16. Where the charge-sheet is accompanied by the statement of facts and the allegations are not specific in the charge-sheet, but are crystal clear from the statement of facts, in such a situation, as both constitute the same document, it cannot be held that as the charges were not specific, definite and clear, the enquiry stood vitiated. Thus, nowhere should a delinquent be served a charge-sheet, without providing to him, a clear, specific and definite description of the charge against him. When statement of allegations are not served with the charge-sheet, the enquiry stands vitiated, as having been conducted in violation of the principles of natural justice. Evidence adduced should not be perfunctory, even if the delinquent does not take the defence of, or make a protest with against that the charges are vague, that does not save the enquiry from being vitiated, for the reason that there must be fair-play in action, particularly in respect of an order involving adverse or penal consequences. What is required to be examined is whether the delinquent knew the nature of accusation. The charges should be specific, definite and giving details of the incident which formed the basis of charges and no enquiry can be sustained on vague charges. (Vide: *State of Andhra Pradesh and Ors. v. S. Sree Rama Rao* : AIR 1963 SC 1723; *Sawai Singh v. State of Rajasthan* : AIR 1986 SC 995; *U.P.S.R.T.C. and Ors. v. Ram Chandra Yadav* : AIR 2000 SC 3596; *Union of India and Ors. v. Gyan Chand Chattar* : (2009) 12 SCC 78; and *Anil Gilurker v. Bilaspur Raipur Kshetria Gramin Bank and Anr.* : (2011) 14 SCC 379)."

18. In the light of the above, the Labour Court has rightly concluded that the enquiry was vitiated and the findings of the Enquiry Officer upholding all these purported 5 charges was perverse.

19. There is no dispute that the respondent has reserved its right for conducting a *denovo* enquiry in paragraph No.22 of its written statement. The respondent can therefore proceed to conduct a *denovo* enquiry by placing on record a proper charge sheet keeping in view that stale charges cannot be dug out against an employee. Learned Advocate for the petitioner submits that if the respondent files a fresh charge sheet, he would file a proper reply before the Labour Court in the *denovo* enquiry. The respondent submits that it is prepared to file a fresh charge sheet keeping in view the observations of this Court.

20. Considering the above and the statements made by the litigating sides, as recorded above, this petition is partly allowed. The impugned judgment of the Industrial Court dated 17/12/2015 is quashed and set aside and Revision (ULP) No.9/2015 stands disposed of by this Court.

21. The litigating sides shall appear before the Labour Court in Complaint (ULP) No.79/2010 on 09/12/2016. The respondent/Management shall tender a fresh charge sheet on the said date before the Labour Court which shall grant 15 days time to the petitioner to submit his reply. Thereafter, the respondent shall conduct a *denovo* enquiry before the Labour Court. Needless to state, the Labour Court shall then deal with the said aspect on its own merits.

22. The earlier oral evidence recorded either before the Labour Court or in the enquiry shall stand discarded. Documents pertaining to the charges may be produced by the respondent/Management by supplying copies to the petitioner.

23. Rule is made partly absolute in the above terms.

(RAVINDRA V. GHUGE, J.)