

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.2681 OF 2015

(Rajendra s/o Premrao Hedau vs. The Senior Superintendent of Post Offices and others)

---

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

---

Shri R.S. Parsodkar, Advocate for petitioner.  
Shri Kamale, Advocate h/f Shri R. Deo, Assistant  
Solicitor General of India for respondent nos.1 and 2.  
Shri N.S. Rao, Assistant Government Pleader for  
respondent no.3.

-----

CORAM : B.P. DHARMADHIKARI AND  
P.N. DESHMUKH, JJ.

DATED : MARCH 18, 2016

Heard Adv. Parsodkar for petitioner,  
Adv. Kamale for respondent nos.1 and 2 and  
Shri Rao, learned Assistant Government Pleader for  
respondent no.3.

On 7/5/2015 we had passed the following  
order :

“Heard.

Notice, returnable on 23/6/2015.

Learned ASGI waives notice for the respondent  
nos.1 and 2 and Shri Deshpande, learned  
Advocate waives notice for respondent no.3.

In the meanwhile, respondent no.3 shall accept papers from the petitioner for verification of the caste claim.

Though Departmental Enquiry is permitted to continue, order of punishment shall not be passed until further orders of this Court in the matter.”

Adv. Parsodkar submits that proposal of petitioner for grant of validity has been now submitted by employer to respondent no.3 and it can be disposed of in a time bound manner. He states that till then, service of petitioner needs to be protected.

Adv. Kamale for respondent nos.1 and 2, and Shri Rao, learned Assistant Government Pleader dispute this.

Adv. Kamale invites our attention to the conduct of petitioner as is apparent from Annexures to the charge-sheet. He points out that petitioner avoided to give documents and also did not cooperate. The learned Counsel states that the petitioner was trying to kill time.

Adv. Parsodkar states that since this Court on 7/5/2015 stayed imposition of punishment, employer has not proceeded further in the matter. He further points out that employer was highhandedly

insisting that caste certificate and other documents should be submitted by the petitioner directly to the Scrutiny Committee while the law obliges employer to forward it. He submits that time has been taken because of this wrongful conduct on the part of employer.

It is not necessary for this Court to dwell on this disputed question of facts. The employer has already served charge-sheet and it is open for the employer to proceed further in the matter and to obtain appropriate enquiry report. Enquiry report may point out true and correct facts.

However, caste claim of the petitioner needs to be verified by the Scrutiny Committee. The same appears to be pending with respondent no.3. We, therefore, direct petitioner to appear before that Committee on 11/5/2016 and to abide by its further instructions in the matter. The Scrutiny Committee shall complete the verification proceedings within next one year.

The interim order granted to the petitioner on 7/5/2015 shall continue till then. However, respondent nos.1 and 2 are given liberty to approach this Court for vacation thereof, if in the meanwhile enquiry report holding petitioner guilty of any of the charges levelled against him is received by them.

With this liberty and keeping all rival contentions in relation thereto open, we partly allow the petition and dispose it of. No costs.

JUDGE

JUDGE

khj