

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1 OF 2015

(Dinkar Atmaramji Nagpurkar vs. Maharashtra State Electricity Distribution Company Ltd. Thr.
Its Managing Director & Ors.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.
MARCH 09, 2016.**

Heard Shri Lakhey, learned counsel for the petitioner and Shri Mohgaonkar, learned counsel for the respondents.

After appropriate Departmental Inquiry, punishment of withholding of one increment has been inflicted upon the petitioner.

The learned counsel for the petitioner states that the statement of complainant has not been recorded. He further adds that before imposing major penalty, an opportunity of being heard was not given to the petitioner.

Shri Mohgaonkar, learned counsel is opposing the petition.

The fact that the petitioner was extended due opportunity of hearing to defend in Departmental Inquiry, is not in dispute. On the basis of available material, finding that misconduct is established, has been reached. The finding is not not perverse. As such, mere non examination of complainant cannot advance the case of the petitioner.

Similarly, the punishment of withholding of one

increment cannot be viewed as a major punishment. The principles of natural justice do not contemplate an opportunity of hearing on quantum of punishment in this matter. Therefore, even on second point, no case is made out.

In this situation, we find no case warranting intervention in extra ordinary jurisdiction of this Court. Therefore, writ petition is dismissed. No order as to costs.

JUDGE

JUDGE

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