

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14377 OF 2016

Mr. Charanjit Singh Bright ... Petitioner

Versus

M/s National Insurance Company
Limited and others. ... Respondents

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Mr. S.K. Talsania, Senior Advocate a/w Ms. Sonia Sunil for the
Petitioner.
None for the Respondents.

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**CORAM : ANOOP V. MOHTA AND
RAVINDRA V. GHUGE, JJ.**

DATE : 4 MAY 2017.

FINAL ORDER:-

1. We have heard the learned Senior Advocate on behalf of the petitioner. Contention is that the impugned order of termination dated 08.04.2013 has been passed without conducting any disciplinary proceeding against the petitioner, who is a permanent employee. His termination is on the presumption that he has abandoned his employment under Rule 13(iv) and the explanation there under of the Conduct, Discipline and Appeal Rules, 1975.
2. We find that a statutory appeal as provided under rule 31-34 of the said Rules, has been filed by the petitioner on

28.04.2013. It is stated that the said appeal has still not been decided by the competent authority.

3. Considering the above, we find that this petition can be disposed of without issuing notices to the respondents since we are inclined to direct the respondent/employer to decide the pending appeal.

4. In the light of the above, this petition is disposed of. Respondent No.1 shall decide the pending appeal of the petitioner dated 28.04.2013, if not already decided, within a period of 8 weeks' and thereafter communicate its decision to the petitioner as expeditiously as possible.

5. If the rules permit, the appellate authority may call upon the petitioner to address the said authority. If desired, the petitioner may tender additional grounds to the appellate authority within a period of two weeks from today.

6. Needless to state, all contentions of the petitioner are kept open and in the event of an adverse order being passed by the appellate authority, the petitioner would be at liberty to raise all contentions.

(RAVINDRA V. GHUGE, J.)

(ANOOP V. MOHTA, J.)