

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.**

WRIT PETITION NO. 5909 OF 2017

Jeeban Mishra S/o Mitranath Mishra ... Petitioner

VERSUS

State Bank of India & Anr. ... Respondents

.....
Mr N. P. Bangar, Advocate for the petitioner
Mr Paithankar, Advocate for respondents
.....

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 15TH JANUARY, 2018.

ORDER:

1. The petitioner assails the order of suspension and also the preliminary inquiry.

2. Mr Bangar, learned counsel for the petitioner submits that the petitioner is placed under suspension for more than one year. The petitioner is being victimized. The preliminary inquiry is held behind the back of the petitioner. Such an inquiry cannot be foundation for any disciplinary proceedings. According to learned advocate, no purpose would be served keeping the petitioner under suspension for such a long period. The suspension deserves to be

revoked. In fact, the suspension ought not to be continued beyond the period of three months.

3. Mr Paithankar, the learned counsel for respondents submits that, there are various charges levelled against the petitioner. The petitioner is seeking irrelevant documents and is not cooperating with the inquiry. Mr Paithankar, the learned counsel, on instructions, further submits that, if the petitioner cooperates with the inquiry, the respondents would conclude the same within six months. The first date is already over.

4. As the departmental inquiry is already commenced and the charges are also framed, it would not be appropriate to revoke the suspension order. However, considering the fact that the inquiry has already commenced it would be appropriate to direct respondents to conclude the inquiry within six months as assured.

5. The respondent shall supply the copies of the documents on which the respondents rely to prove the charges against the petitioner. The respondent shall provide inspection of the files which are relevant and concerning the charges in the departmental inquiry to the petitioner. In case the petitioner requires some documents for

the purpose of his defence, then the application shall be made to the the Inquiry Officer/Disciplinary Authority. Inquiry Officer/Disciplinary Authority shall consider the relevancy of the documents for the purpose of the defence of the respondents and pass orders thereon with regard to the copies of the documents to be provided to the petitioner.

6. With these observations, the writ petition disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde