

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2922 OF 2018

Kokan Mercantile Bank Ltd. .. Petitioner

Vs.

Hamid Shaikh .. Respondent

Mr.R.S.Pai with Mr.Anand Pai with Ms.Nikita Hinger i/b Ms.Nikita Hinger for
the petitioner.

Mr.A.S. Peerzada for the respondent.

CORAM : A.K. MENON, J.

DATED : 17TH APRIL, 2018.

P.C. :

1. Considering the narrow scope of petition, this petition can be finally disposed of at the stage of admission. Rule. Rule returnable forthwith.
By consent taken up for final disposal.
2. The order impugned in the present petition is passed on 4th September, 2014 below Exhibit-C-18 by which the petitioner-bank sought a direction against the complainant to file an affidavit and confining himself to the issues of back wages and past service record. Part 1 of the order is in favour of the petitioner. It appears that substantially, the contents of first affidavit dated 5th May, 2010 Exhibit-G to the petition has been reproduced in the second affidavit Exhibit-I to the

petition dated 19th September, 2013. The contention of the petitioner is that the aspects on the merits which have already been gone into at the stage before finding that the departmental enquiry held was fair and proper, cannot be gone into at this stage.

3. There is merit in Mr. Pai's submission. In the circumstances it is appropriate that the contents of first affidavit dated 5th May 2010, to the extent it is incorporated in the affidavit dated 19th September, 2013 shall stand excluded. With this limited direction the petition is disposed of. No order as to costs.

(A.K. MENON,J.)