

Sequeira

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

WRIT PETITION NO. 6587 OF 2018

Ms. Priyanka Das

... Petitioner.

V/s.

The Institute of Company Secretaries
of India and others

... Respondents

Mr.Saikumar Ramamurthy, for the Petitioner.

Mr.Narayan Sahu a/w Mr.Yogesh Chawak a/w Mr.Chirag Dave a/w
Mr.Rupesh Geete i/b M/s Legasis Partners, for Respondent Nos.1 to
4.

***CORAM : R.M. Borde and
Prithviraj K. Chavan, JJ.***

DATE : 13 August, 2018.

P.C. :-

The learned counsel appearing for Respondents states on instructions that the apprehension expressed by the Petitioner that the Inquiry Committee had already made up its mind on the basis of the final investigation report is unfounded and appropriate decision shall have to be taken by disciplinary authority on consideration of report of Enquiry Committee at the conclusion of the enquiry

proceedings. The enquiry proceedings would be conducted in accordance with the principles of natural justice. In view of the assurance as recorded above, the grievance raised by the Petitioner does not survive. It is informed by Respondents that the Petitioner has not participated in the enquiry proceedings except that he attended the enquiry proceedings initially, on few dates prescribed by enquiry officer. The counsel appearing for Petitioner assures that Petitioner would participate in the enquiry proceedings. Counsel for Respondents on instructions makes a statement that the Petitioner would be extended fair opportunity to defend her case. It would also be open to the Petitioner to raise appropriate challenge before the Enquiry Committee and shall also have the liberty to take up the appropriate proceedings, if needed, at the conclusion of the enquiry and after passing of final order. The Enquiry officer, it is contended, is merely a fact finding authority and a final decision will have to be taken by the Disciplinary authority. It would also be open for the Petitioner to raise objections in respect of the report of the Enquiry Committee before the Disciplinary Authority including the issue of bias of the Enquiry Officer and the Disciplinary Authority may take appropriate decision in accordance with the provisions of the Rules governing the enquiry. In view of the above, Writ Petition is disposed of.

(Prithviraj K.Chavan, J.)

(R. M. Borde, J.)