

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2969 OF 2018

Manju Dudeja. ... Petitioner.
V/s.
First Abu Dhabi Bank and others. ... Respondents.

Mr.Harshad Shaikh with Ms.Anubha Rastogi for the petitioner.
Mr.Kevic Setalwad, Senior Advocate with Mr.Hormaz Mehta, Ms.Fatama Kachawala i/b. J.Sagar Asso. for respondent No.1.
Ms.Ahsana Allana i/b. J.Sagar Asso. for respondent No.2.
Mr.Nishit Dhruva with Mr.Prakash Shinde, Ms.Niyati Merchant i/b. MDP & Partners for respondent No.4.
Ms.P.H.Kantharia,GP with Ms.Uma Palsule Desai, AGP for the respondent- State.

CORAM : A.S.OKA & SANDEEP K. SHINDE, JJ.

DATE : 18th December 2018.

P.C.:

The learned counsel appearing for the petitioner, the learned senior counsel appearing for the first respondent and the learned counsel appearing for the fourth respondent have tendered a draft of the minutes of the order which is taken on record and marked as “M-1” for identification. The learned senior counsel appearing for the first respondent, on instructions, states that the employment of the petitioner will not be terminated without giving three months advance notice in writing to her. We accept the said statement. The learned senior counsel appearing for the first respondent further states that though the advocate for the first respondent has signed the minutes of order (M-1)

only for identification, the first respondent is consenting to the order being passed in terms of the aforesaid minutes of the order. The learned counsel appearing for the petitioner and the learned counsel appearing for the fourth respondent state that both of them are present in the Court and that they have signed the minutes of the order. They have no objection for passing an order in terms of the minutes of the order subject to recording the aforesaid statement made on behalf of the first respondent.

2. We may note here that the learned counsel appearing for the parties state that the members of the reconstituted committee (ICC) have consented to become the members. In fact, the proposed chairperson is present in the Court and she has also agreed to become the Chairperson of the committee.

3. Considering the nature of the controversy, it will be appropriate if the reconstituted ICC gives priority to the conclusion of the enquiry and tries to complete the enquiry as expeditiously as possible.

4. Needless to add that the contesting parties will have to co-operate with the reconstituted ICC for early conclusion of the enquiry. We are not fixing the time schedule due to the fact that three out of four members of the committee are the members of the bar.

5. We further make it clear that in the event the proceedings are being delayed, it will be open for the Committee through its Chairperson to submit a report through the Prothonotary and Senior Master of this

Court so that disposed of petition can be placed on board and appropriate order can be issued for ensuring smooth conclusion of the enquiry.

6. Accordingly, we pass the following order:

- (i) The petition is disposed of in terms of the draft minutes of order tendered today and marked as “M-1” for identification;
- (ii) We accept the statement made by the learned senior counsel appearing for the first respondent, on instruction, that the employment of the petitioner will not be terminated by the said respondent without serving three months advance notice to her;
- (iii) Needless to add that in the event such a notice of termination is served upon the petitioner, it will be open for petitioner to file appropriate proceedings in accordance with law;
- (iv) We direct the petitioner and the fourth respondent to co-operate with the reconstituted ICC with a view to ensure that the proceedings of enquiry are concluded at the earliest;

- (v) In the event the Committee finds that the parties or one of the parties is not co-operating for early conclusion of the enquiry, the learned Chairperson is free to submit a report to this Court through the Prothonotary and Senior Master in a sealed envelop. As soon as the report is received, the learned Prothonotary and Senior Master shall immediately place the disposed of petition before appropriate Bench for consideration of the report;
- (vi) The parties are at liberty to apply if they find that one of them is delaying the proceedings of the Committee;
- (vii) We make it clear that this Court has not made any adjudication on the merits of any of the contentions of the parties;
- (viii) Writ petition is accordingly disposed of;
- (ix) All concerned to an on an authenticated copy of this order.

(SANDEEP K. SHINDE, J.)

(A.S.OKA, J.)