

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10317 OF 2017

Shivraj s/o Chandmaappa Tenkale

Petitioner

Versus

The Chairman,
Maharashtra Gramin Bank, Head Office,
Cidco, Aurangabad & another

Respondents

Mr.S.K.Adikine, advocate for the petitioner.

Mr.Pradeep Shahane, with Mr.Parag Shahane, advocates for
Respondent No.2.

**CORAM : PRASANNA B. VARALE AND
NITIN W. SAMBRE, JJ.**

DATE : 01st April, 2019.

P.C. :

Heard learned Counsel for respective parties.

2 The petitioner, before this Court, is seeking directions against Respondents for grant of leave encashment payment and other retirement benefits within a stipulated period.

3 The documents placed on record reveal that a departmental enquiry is initiated against the petitioner by issuing memorandum on 23.06.2015. It seems that the action of initiating departmental enquiry against the petitioner was on the basis of alleged imputations of misconduct.

4 The Respondent-Bank has filed a detailed affidavit-in-reply and the submission of Mr.Shahane, learned Counsel appearing for the Respondent-Bank is that the charges levelled against the petitioner are of grave and serious nature. When a specific query was made to Mr.Shahane about the stage of the enquiry, Mr.Shahane fairly submitted before this Court that though initiation of enquiry was some time in the year 2015, due to certain procedural aspects, the enquiry could not be concluded. Mr.Shahane makes a statement before this Court that the Respondent-bank would conclude the enquiry, in any event, within six months from today subject to cooperation from the petitioner in the course of enquiry.

5 Mr.Shahane, though made an attempt to invite our attention to Maharashtra Gramin Bank (Officers & Employees) Service Regulations of 2010, considering the statement made by Mr.Shahane that the enquiry would be concluded within six months, we deem it appropriate to dispose of the petition by accepting the statement made before this Court, through Respondents, as an undertaking to this Court and keeping an option open to the petitioner to avail of appropriate remedies available in law after the decision of enquiry, including approaching this Court, if the petitioner is having grievance about the order, which would be passed in the enquiry proceedings. Though there were certain submissions made on the aspect of payment of gratuity, since payment of gratuity is not subject matter of this petition, it is not necessary to refer to those submissions.

6 Instant petition is accordingly disposed of with above referred directions/observations.

NITIN W. SAMBRE
JUDGE

PRASANNA B. VARALE
JUDGE

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