

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.568 OF 2019

Mr. Uday Chari

... Petitioner

versus

The State of Goa & Ors.

... Respondents

Mr. Vivek Rodrigues, Advocate for the Petitioner.

Mr. D. Pangam, Advocate General with Mr. S.P. Munj,
Additional Government Advocate for Respondents No.1 & 2.

**Coram:- M.S. SONAK &
NUTAN D. SARDESSAI, JJ.**

Date :- 22nd JULY, 2019

ORAL ORDER :(Per M.S. SONAK, J.)

Heard Mr. Vivek Rodrigues, learned Advocate for the petitioner and Mr. D. Pangam, learned Advocate General for respondents no.1 & 2.

2. The challenge in this petition is to the memorandum dated 21/08/2017, which is nothing but charge sheet issued against the petitioner alleging some acts of omission and commission which amount to misconduct.

3. Mr. Rodrigues, learned Advocate for the petitioner points out that so far as Articles 1,4 & 5 of the charge sheet

memorandum are concerned, inquiry was earlier held in respect of the very same charges, in which, the petitioner has already been exonerated. He, therefore, submits that no such charges could have been reframed and on that ground, the memorandum dated 21/08/2017 warrants interference. He submits that in so far as Article 3 of the charge sheet memorandum is concerned, the same is subject matter of Writ Petition No.345/2017, in which some interim order has also been made.

4. According to us, it is open to the petitioner to raise all permissible defences, including the defence which is now proposed to be raised in response to the charge sheet memorandum dated 21/08/2017. No doubt, that the authorities including, inter alia, the inquiry officer will look into these defences and only thereafter dispose of the inquiry proceedings. However, there is no necessity to entertain the petition at this stage and to interdict the inquiry proceedings.

5. At this, Mr. Rodrigues, learned Counsel for the petitioner on the basis of the instructions from the petitioner seeks leave to withdraw this petition.

6. Keeping all defences of the petitioner expressly open, we grant leave to the petitioner to withdraw this petition. The petition is disposed of as withdrawn.

NUTAN D. SARDESSAI, J.
NH

M.S. SONAK, J.