

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

WRIT PETITION NO.208 OF 2018

K.S.Lakshminarasimhan	...	Petitioner
versus		
R.K.Srivastava and Ors.	...	Respondents

Mr. M.V.Thorat, for Petitioner.
Ms. Shilpa Kapil, for Respondent No.11.

**CORAM: AKIL KURESHI &
S.J. KATHAWALLA, JJ.**

DATE: 13th JUNE, 2019

P.C.:

1. The Petitioner who is an employee of Airports Authority of India, has challenged the departmental chargesheet issued by the disciplinary authority.
2. Counsel for the Petitioner contended that charges levelled in the said chargesheet are not correct. This cannot be a ground for setting aside the departmental chargesheet. If the Petitioner has not committed any misconduct, it is always open to the Petitioner to defend himself in the departmental chargesheet. No case for quashing the departmental chargesheet is therefore, made out.
3. Counsel for the Petitioner however, pointed out that pending this petition, the Inquiry Officer has completed the inquiry pursuant to the impugned chargesheet and submitted his report in February 2018. The disciplinary authority however, has neither accepted that report and nor disagreed with the finding of the Inquiry Officer.

The Disciplinary authority cannot sit tight over the report of the Inquiry Officer for an indefinite period of time. He must take a decision whether to accept the report of the Inquiry Officer or for some reason, if he is of the opinion that the findings of the Inquiry Officer is not correct, disagree with the same. In either case, he has to take a final tentative decision. Under the circumstances, we request the Chairman of the Airports Authority of India to take his decision on the Inquiry Officer's Report and communicate the same to the Petitioner latest by 31st July, 2019.

4. With these directions, the Writ Petition is disposed of.

(S.J.KATHAWALLA,J.)

(AKIL KURESHI,J.)