

22-03-2021
ct no. 13
Sl.10
sp

**WPA 7955 of 2016
(Through Video Conference)
With
CAN 2 of 2021**

Ashis Lohar
-Versus-

Bharat Petroleum Corporation Ltd. & Ors.

**Ms. Nandini Mitra,
Mr. Sanjay Saha**

....for the petitioner

**Mr. Kushagra Shah,
Mr. Janardan Mandal**

...for the respondents

CAN 2 of 2021 has been filed by the employer Bharat Petroleum Corporation Ltd., inter alia, submitting that the management has allowed the petitioner to engage a person of his choice within the Corporation to defend him in the pending departmental proceedings.

There is therefore, no impediment for the enquiry to continue.

Ms. Mitra, learned counsel appearing for the petitioner relies upon a certified Standing Order of the BPCL particularly No. 30.4 in this regard. In the last three lines of the second paragraph, it is expressly mandated that a defence representative shall be given time off for the conduct of the enquiry.

The aforesaid clearly implies that the defence representative chosen by the writ

petitioner to defend him in the inquiry shall be afforded appropriate leave by the management, to participate in the pending department enquiry.

In that view of the matter, nothing further remains to be adjudicated in the instant writ application.

It is ordered that the departmental enquiry against the petitioner must be concluded within a period of 3 months from date.

With the aforesaid observations, WPA 7955 of 2016 and the connected application are disposed of.

Except as above, all other interim order, in the matter, shall stand vacated.

There shall be no order as to costs.

Affidavit of competency filed by the respondents be kept with the record.

Urgent photostat certified copy of this judgment, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)