IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.3187 OF 2013

Ashutosh s/o Anil Joshi
Aged about 45 years,
Occupation – Nil,
R/o. 27, Prabhat Society,
Arni Road, Wadgaon,
Yavatmal

...PETITIONER

VERSUS

1. Vidharbha Konkan Gramin Bank
having its Head Office at Madhumalti
Building, Gupte Marg,
Jatharpeth, Akola – 444 005

2. The Chairman and Disciplinary Authority,
Vidharbha Kshetriya Gramin Bank,
having its Head Office at Madhumalti
Building, Gupte Marg, Jatharpeth,
Akola – 444 005

3. The Board of Directors & Appellate Authority,
Vidharbha Kshetriya Gramin Bank,
having its Head Office at Madhumalti
Building, Gupte Marg, Jatharpeth,
Akola – 444 005

...RESPONDENTS

Shri Rohit Joshi, Advocate for the petitioner.
Shri A.S. Jaiswal, Sr. Advocate with Ms Aditi Panpalia, Advocate for the respondents.

CORAM : A.S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.
RESERVED ON : SEPTEMBER 06, 2022.
PRONOUNCED ON : SEPTEMBER 19, 2022.

JUDGMENT (Per Urmila Joshi-Phalke, J.)

Heard learned counsel for the parties.

2. By this writ petition, the petitioner has challenged the order of respondent No.3-The Board of Directors and Appellate Authority, Vidharbha Kshetriya Gramin Bank, Akola dated 03/11/2012 by which the appeal of the petitioner was dismissed by denying any interference in the order passed by the Disciplinary Authority in the enquiry proceedings.

3. The petitioner herein was initially appointed as a Probationary Officer with the Yavatmal Gramin Bank and subsequently appointed as a Junior Management Scale–I Officer with the said Bank. On 12/09/2005, during the amalgamation of rural banks, respondent No.1-Vidharbha Kshetriya Gramin Bank was constituted and the petitioner was absorbed in it on the same post. The service conditions of Officers and Employees of the respondent No.1-Bank are regulated by the Vidharbha Kshetriya Gramin Bank (Officers and Employees) Service

Regulations, 2005. The respondent No.2 is the Chairman acting as a Competent Authority and respondent No.3 is the Board of Directors acting as an Appellate Authority.

4. The petitioner was working as a Second Officer at Wadgaon Branch of respondent No.1-Bank from May, 2007 to May, 2009. The respondent No.1-Bank had issued two separate charge-sheets to the petitioner alleging certain acts of misconducts while he was posted at Wadgaon Branch. After holding departmental enquiry the petitioner was dismissed from service vide order dated 27/03/2012 passed by respondent No.2-Competent Authority. The petitioner had preferred an appeal before respondent No.3-Board of Directors acting as an Appellate Authority. The said appeal also came to be dismissed on 03/11/2012. The termination order was confirmed by the Appellate Authority is under challenge in this petition.

5. The first charge-sheet was issued to the petitioner by respondent No.1-Bank dated 16/10/2009 bearing No.VKGM/HO/VIG/2009/233/1. The following three charges were framed against the petitioner :

(i) On 09/03/2009, Mr. A.A. Joshi (petitioner) has attempted to defraud/misappropriate an amount of

Rs.3150/- by closing the cash on 09/03/2009 with malafide intention. This is an act of gross negligence and dereliction of duty which violates the Regulation No.19 of the Vidharbha Kshetriya Gramin Bank (Officers and Employees) Service Regulations, 2005.

(ii) Mr. Joshi being Second Officer in the Branch Wadgaon has passed the withdrawal for Rs.30,000/- dated 19/03/2009 by overlooking the specimen signature of Smt. Khatri. It is observed from the above withdrawal with naked eyes that Mr. Joshi has filled up the withdrawal form and put himself a forge signature of Smt. Khatri. The signature on the withdrawal form is also not tallied with the signature on no objection letter submitted by Mr. Joshi obtained from Smt. Khatri regarding transaction in her HSS account No.5029 which is an act of falsification and unbecoming of an Officer of the Bank, which violated the Regulation No.19 of the Vidharbha Kshetriya Gramin Bank (Officers and Employees) Service Regulations, 2005.

(iii) Mr. Joshi has availed loan from outside financial agencies without obtaining permission of the Competent Authority, which is the violation of Regulation No.26 of the

Vidharbha Kshetriya Gramin Bank (Officers and Employees) Service Regulations, 2005.

6. The petitioner had submitted his reply to the said charge-sheet on 06/11/2009. The sum and substance of the petitioner's reply that entry regarding Rs.3150/- ought to have taken on the credit side. It was wrongly taken on debit side. The mistake of taking entry was noticed at the time of verification which was corrected. The petitioner had further explained regarding second charge that he withdrawn the amount on behalf of Mrs. Khatri who had no complaint about the said transaction. As respondent No.1-Bank despite repeated request not responded to the request of the petitioner hence he availed financial assistance from outside agencies. As respondent No.1-Bank was not satisfied with the explanation, decided to initiate an enquiry. The petitioner had participated in the said enquiry. The petitioner examined himself during the enquiry whereas Presenting Officer had examined two witnesses namely Shri Sanjay Pralhad Jatkar working as a Messenger and Shri Gautam Ramkrushna Taksande working as a Branch Manager. After recording the evidence, the Enquiry Officer held that the charges (i) to (iii) are proved.

7. During the pendency of initial enquiry another charge-sheet dated 25/01/2010 bearing No.VKGB/HO/VIG/2010/349 was issued to

the petitioner. The charges in the second charge-sheet levelled against the petitioner as follows :

(i) On 27/03/2008, Mr. A.A. Joshi has filled the withdrawal form of HSS account No.5029 for Rs.40,000/- in his own handwriting and payment was made on the basis of forge signature of the customer, by posting and by passing the withdrawal. Thus, he had committed the forgery in making the payment which is violation of Regulation No.19 of the Vidharbha Kshetriya Gramin Bank (Officers and Employees) Service Regulations, 2005.

(ii) Mr. A.A. Joshi with malafide intention to conceal his act of misappropriation of Rs.6.49 lacs had issued unauthorised/altered/tampering statements of account No.1385 of Block Development Officer, Panchayat Samiti, Yavatmal for the month of November, 2008 to May, 2009 generated from old system i.e. Bank 2002 Software i.e. New Line Soft Informatics (P) Ltd., Udaipur whereas the data of the Branch was converted to new software of Zenith i.e. Bank 724 on 14/11/2008. He has also altered/tampered the entries of saving account No.1385 and other accounts. The above acts of Mr. Joshi was prejudicial to the interest of the Bank and lightly to involve the Bank in a serious financial loss which is a violation of Regulation No.19 of the Vidharbha Kshetriya Gramin Bank (Officers and Employees) Service Regulations, 2005.

(iii) Mr. A.A. Joshi had unauthorisedly and with malafide intention kept the back-up C.D. of Wadgaon Branch with him even after his transfer was effected from Wadgaon Branch on 30/05/2009 which is the violation of Regulation No.19.

8. The petitioner had submitted reply regarding charges and denied all the charges. He claimed that the charges levelled against him of misappropriation and data tampering are baseless, frivolous and malafide. Respondent No.1-Bank decided to initiate an enquiry. The petitioner participated in the enquiry. The Presenting Officer examined Mrs. Ganar who was working as a Clerk and Shri Gautam Ramkrishna Taksande, Branch Manager to prove the charges. The petitioner had not examined any witnesses in support of his defence. Besides oral evidence Presenting Officer relied on handwriting expert's report, various types of vouchers and documentary evidence. The Enquiry Officer held the charges (i) and (ii) are proved and charge (iii) is not proved. The opportunity to submit the reply regarding the findings by the Enquiry Officer is given to the petitioner. Accordingly, he submitted his reply on

the findings by the Enquiry Officer. After considering the evidence oral as well as documentary, and the submissions of the petitioner, the Competent Authority accepted the enquiry report by passing common order by which major punishment of dismissal of service was imposed under Regulations 39(1)(b)(iv) and 39(1)(b)(v) of the Vidharbha Kshetriya Gramin Bank (Officers and Employees) Service Regulations, 2005.

9. Being aggrieved with the final order passed by the Competent Authority the petitioner had preferred an appeal before the Appellate Authority. The Appellate Authority had also dismissed the appeal and confirmed the findings of the Competent Authority. By this petition, the petitioner has challenged the findings of Competent Authority and Appellate Authority on the ground that the petitioner was forced by the Enquiry Officer to lead evidence in support of his defence prior to leading of evidence of management witnesses. He further urged that the second charge is not supported by any evidence as Mrs. Khatri and handwriting experts were not examined during the departmental enquiry. Mrs. Khatri’s two letters were not considered either by the Enquiry Officer or by the Competent Authority and the Appellate Authority. The petitioner had further challenged that he demanded some documents like cheques, vouchers and withdrawal forms but the

same was rejected. Thus, there were various fallacies in the enquiry report and violation of natural justice which had caused prejudice to him. Therefore, the intereference by this Court is called for.

10. Heard Shri Joshi, learned Counsel for the petitioner. He submitted that the first charge was of misappropriation of Rs.3150/-. It was sheer mistake of posting. It was not an intentional mistake. To prove the second charge material witnesses Mrs. Khatri was not examined. The Presenting Officer had also not examined handwriting expert. The letters of Mrs. Khatri by which she had not raised any grievances are not considered. There was no evidence regarding tampering of documents or deletion of entries. Non-examination of witnesses is fatal. The burden is on the management to prove the misappropriation. Thus in the absence of evidence, punishment was imposed which is liable to be set aside.

11. On the other hand, Shri Jaiswal, learned Senior Counsel for the respondents submitted that the documentary evidence on record shows that the petitioner who was working as a Cashier on a relevant date i.e. on 19/03/2009 withdrawn Rs.30,000/- from the account of Mrs. Khatri. On her oral complaint, enquiry was conducted and it revealed that it was the petitioner who withdrawn the said amount.

Intentionally, the petitioner had made wrong entry of Rs.3150/- on 09/03/2009 which is revealed from the documentary evidence i.e. statement signed by the petitioner. Second charge-sheet was issued to the petitioner as misconducts by way of illegal withdrawal of Rs.40,000/- from the account of Mrs. Khatri was observed. Not only the withdrawal but the petitioner had tampered the statement of account No.1385 which was the account of Government officials. He further submitted that there was no perversity in the findings recorded by the authorities while conducting the departmental enquiries. The points raised are questions of fact and have been satisfactorily answered in the enquiry itself. Therefore, no interference is called for. The petition is devoid of merits and liable to be dismissed.

12. In support of the contention Shri Joshi, learned Counsel for the petitioner relied upon ***Roop Singh Negi Vs. Punjab National Bank and ors. (2009) 2 SCC 570*** wherein it is held that mere production of documents is not enough. Contents of documentary evidence has to be proved by examining the witness. He further relied upon ***Nirmala J. Jhala Vs. State of Gujarat and anr. (2013) 4 SCC 301*** wherein it is held that the departmental enquiry, enquiry procedure, natural justice, nature and standard of proof, principle of preponderance of probabilities is applicable. On the other hand, Shri Jaiswal, learned Senior Counsel for

the respondents relied upon ***Deputy General Manager (Appellate Authority) and ors. Vs. Ajai Kumar Srivastava (2021) 2 SCC 612*** wherein it is held that the power of judicial review exercised by constitutional courts under Articles 32/136/226 of the Constitution is circumscribed by limits of correcting errors of law or procedural errors leading to manifest injustice or violation of principles of natural justice.

13. Admittedly, by this petition, the petitioner had challenged the findings of the Enquiry Officer and order passed by the Competent Authority by invoking the writ jurisdiction. This Court has very limited jurisdiction in exercise of powers under Article 226 of the Constitution of India. It is well settled that in the exercise of judicial review, the Court does not act as an Appellate forum over the findings of the Disciplinary Authority. The Court does not re-appreciate the evidence on the basis of which the finding of misconduct has been arrived at in the course of a disciplinary enquiry. The Court in exercise of judicial review must restrict its review to determine whether (a) the rules of natural justice have been complied with, (b) the finding of misconduct is based on some evidence, (c) the statutory rules governing the conduct of the disciplinary enquiry have been observed, whether the findings of the disciplinary authority suffer from any perversity or the punishment is disproportionate to the proven misconduct.

14. Learned Counsel for the petitioner had urged that the petitioner was forced by the Enquiry Officer to lead evidence in support of his defence prior to leading evidence of management witnesses. This submission is considered in the light of the material placed on the record. The record shows that first time the petitioner had raised this issue before this Court. The petitioner had not raised this ground in the appeal before the Appellate Authority. Another point raised in this petition is that second charge is not supported by any evidence. Mrs. Khatri and handwriting experts are not examined. On perusal of enquiry report, evidence recorded during the enquiry and order passed by the Competent Authority is revealed that the petitioner was looking after the cash on 09/03/2009 as both Clerk and Cashier were on leave. He generated the cash payment of Rs.3150/- by generating the cash in hand statement. He had written the cash balance and tallied the cash as Rs.7,62,159/-. The evidence on record further indicates that he left the Bank by keeping the key on the table in absence of Branch Manager. The Branch Manager subsequently verified the cash and found that payment of Rs.3150/- was made by making posting and authorisation by petitioner without voucher. On the call from Branch Manager, the petitioner had corrected the entry and added Rs.3150/- to the existing cash balance. It is observed by the Disciplinary Authority that posting of

voucher can be a mistake but passing and authorisation of the same by the petitioner himself without voucher cannot be called a mistake. The oral evidence of Shri Taksande, Branch Manager and the document shows that the voucher was passed and authorised wrongly. After pointing out the mistake the petitioner corrected the same and added the amount from his pocket. This fact is very well established not only by the oral evidence of Branch Manager Shri Taksande but the documentary evidence. The second and corrected closing cash balance statement was generated by the petitioner, written in his own handwriting and corrected the cash in hand. The difference in denomination of two cash-in-hand statements show that the description of currency were added to the existing cash balance. Moreover, the petitioner himself during the enquiry accepted that he had confirmed the earlier closing balance and subsequently corrected the same. The contention of the petitioner that it was only a mistake cannot be accepted in the above background. As regards the charge (ii) evidence of Branch Manager shows that Mrs. Khatri orally informed that amount of Rs.30,000/- shown to be withdrawn from her account which she has not withdrawn. On investigation, it revealed that delinquent had filled and signed the withdrawal and passed the withdrawal as an Officer and collected the cash. The disputed handwriting was forwarded to the handwriting expert. The report of handwriting expert shows that the signature of withdrawal was not made by account holder and opined that writing of withdrawal i.e. disputed writing was written by same person who wrote comparative writing which is specimen writing of the petitioner. Learned Counsel for the petitioner submitted that Mrs. Khatri filed two applications stating that she had no complaint about the transaction. Learned Senior Counsel Shri Jaiswal invited the attention towards the said letters which are placed on record. She merely mentioned in both the letters that she has no complaint about the said transactions. She received the entire amount. He submitted that the wordings of the letter nowhere shows that on her behalf the petitioner had withdrawn the said amount. He further submitted that the statement (मला माझा पूर्ण पैसा मिळाला) is sufficient to show that her grievances made by her before the Branch Manager are compensated and, therefore, she had no grievances. An opportunity was granted to the petitioner on his request to examine Mrs. Khatri. It reveals from the enquiry report that the Enquiry Officer has noted in the enquiry report that on the request of Chargesheeted Officer the enquiry held at Yavatmal for convenience of presenting witness at 29/10/2010. But on 29/10/2010 Chargesheeted Officer had not produced the witness due to their personal problem and assured that in the next sitting of 02/11/2010 he will produce the witness. On 02/11/2010 and 19/11/2010 he remained absent. On 30/11/2010 witness was not present and the petitioner had presented complete documents/statements regarding three charges. It is further noted by the Enquiry Officer that efforts was made at every point to satisfy Chargesheeted Officer by giving due natural justice to defend him. At every stage of presentation of management case by the Presenting Officer the Chargesheeted Officer was given an opportunity to put up his say or cross-examination in the interest of natural justice. All charges are based on documentary evidence and Chargesheeted Officer was given an opportunity for verification of documents and discovery of documents by visiting Wadgaon Branch. Thus, from the notings of the Enquiry Officer it is crystal clear that sufficient opportunity was granted to the petitioner to examine the witness in support of his contention. The fact that he had withdrawn the amount from the account of Mrs. Khatri is accepted by the petitioner, his only contention was that he withdrawn the same on behalf of Mrs. Khatri. Admittedly, the burden of proving the said fact is on the petitioner which he has not discharged. The opinion of handwriting expert is taken into consideration by the Enquiry Officer and Competent Authority along with the oral evidence of the witnesses. Regarding charge (iii) the petitioner has not denied that he availed the loan from the outside agencies.

15. The Competent Authority had considered the evidence in both the enquiries and accordingly imposed the punishment. In second

charge-sheet, the petitioner was charged with the allegation that on 27/03/2008 he had withdrawn an amount of Rs.40,000/- from HSS account No.5029 in his own handwriting and payment was made on the basis of forge signature of the customer by posting and passing the withdrawal. It is observed by the Competent Authority that the Presenting Officer adduced the evidence that the petitioner filled up the withdrawal in his own handwriting by putting signature of Mrs. Khatri himself posted and passed the withdrawal of Rs.40,000/- from the account of Mrs. Khatri. The evidence and findings of the Competent Authority further shows that in lieu of posting the withdrawal, the petitioner has put payment Scroll No.34 in his own handwriting on the withdrawal and in lieu of passing it put his signature. This fact is also clarified while verifying the original back-up by which it was observed that the petitioner has cleverly posted the withdrawal of account No.5029 to account No.1385. The withdrawal of Rs.40,000/- was brought by the petitioner to the Branch and account holder had not visited the Branch on that day. This fact was expelled by witness Mrs. Ganar who was working as a Cashier at Wadgaon Branch. She specifically stated that the withdrawal of Rs.40,000/- from account No.5029 was part of transaction dated 27/03/2008. The withdrawal slip is with the voucher but entry was not found in the payment scroll. The petitioner had deleted the same entry from the old system that is New

Line Soft Informatics (P) Ltd., Udaipur. The findings regarding charge (ii) of the second charge-sheet shows that the petitioner had allegedly withdrawn Rs.50,000/- from C.D. account No.265. It is observed from the exhibits and evidence that the act of the petitioner covered under the Cyber crime, as per the witnesses examined by the Presenting Officer the petitioner had issued the altered statements of HSS account No.1385 to Block Development Officer in his capacity as an Officer. As per the evidence, the petitioner by using his skill in the field of Computer Application had cleverly made alterations in the software system when he was working as a Passing Officer. The old software of New Line Soft Informatics (P) Ltd. was terminated from 15/11/2008 and no vouchers feeding were done in old software afterwards. The petitioner had issued unauthorised/tampered statements of account No.1385 of Block Development Officer's account for the month of November, 2008 to May, 2009 generated from the old system. He also issued adjusted/tampered statement of account No.1385 to the Block Development Officer from old software Bank 2002. It reveals from the noting of the Enquiry Officer that Branch Manager Shri Taksande has shown the demonstration about the same. The Competent Authority further noted the past and previous records of the petitioner which shows that the erstwhile Yavatmal Gramin Bank, Yavatmal kept the petitioner under suspension and the charge-sheet was issued to him on

12/09/1995 for dishonest character, doubtful integrity and indiscipline attitude towards Superior and punishment was awarded to him.

16. Admittedly, this Court cannot re-appreciate and re-analyze the evidence unless it can be shown that the findings are perverse. It is recently observed by this Court in ***Laxman B. Panmant Vs. Nuclear Power Corporation of India 2022 (4) Mh.L.J. 603*** that the writ Court does not re-appreciate and re-analyze evidence unless it can be shown that findings are perverse. Evaluation of evidence is to be left to the fact finding Committee.

17. Though in the present case, the petitioner had claimed that he was forced by the Enquiry Officer to lead evidence in support of his defence prior to leading evidence of management witnesses but this ground was not raised by him in his appeal before the Appellate Authority. First time, he raised this issue before this Court. Even he had not made any grievances before the Enquiry Officer to show that he was forced to lead evidence before the evidence of management witnesses. His second submission is that charge of withdrawal of the amount from the account of Mrs. Khatri is not supported by any evidence is not sustainable as there is detailed discussion regarding the evidence in Enquiry report as well as the order passed by the Competent Authority.

The petitioner further urged that the documents claimed by him were not produced and after repeated request said documents were not given to him. This fact is also not supported as the Enquiry Officer has recorded on 29/11/2010 by putting some questions to the petitioner before starting the proceedings. The said recordings are referred here for the reference :

> *"EO : TO CSO :--- Whether you have visited for verification of documents on 30/10/2010.*
>
> *CSO :-- Yes I have visited the Wadgaon Branch on 30/10/2010 and verified of all the documents submitted in the enquiry*
>
> *EO to PO :-- Proceed further.*
>
> *PO:-- On 30/10/2010 CSO and my self visited Wadgaon (Yevatmal) Branch for verification of documents. During verification I have handed over certified copies of 05 vouchers to CSO. I am submitting these documents to the enquiry along with acknowledgement of CSO having received these documents. You are requested to accept these documents as Management Exhibits and give them numbers.*
>
> *CSO:-- I have received these documents and I have no objection to accept them as management exhibits."*

18. The Enquiry report also shows that the petitioner was given certified copies of exhibits/documents filed by the Presenting Officer before enquiry. He further noted that considering relevance of documents, which may found useful to him for defence, opportunities for verification and discovery of documents was given to the petitioner.

Efforts was made at every point of time to satisfy the petitioner by giving due natural justice to defend him. All charges are based on documentary evidence. The petitioner was given an opportunity for verification of documents and discovery of documents by visiting at Wadgaon Branch. Thus, this contention of the petitioner that the relevant documents are not supplied to him is also not sustainable in the light of the above findings recorded by the Enquiry Officer and which is not challenged by the petitioner before the Appellate Authority.

19. Shri Joshi, learned Counsel relied upon *Roop Singh Negi (supra)* wherein it is held that no witness was examined to prove the documents. The management witnesses merely tendered the documents and did not prove the contents thereof. Here in the present case, the witnesses are examined by the Presenting Officer and the evidence of these witnesses shows that it was the petitioner who had generated the closing statement as well as filled up the withdrawal form. Therefore, cited case law is not helpful to the petitioner. In the case of *Nirmala J. Jhala (supra)* the principle of enquiry procedure is discussed. Admittedly, said procedure is to be followed in every enquiry.

20. Shri Jaiswal, learned Senior Counsel for the respondents rightly relied upon the decision of Hon'ble Apex Court in the case of

Deputy General Manager (Appellate Authority) and ors. (supra) wherein the scope of interference by the High Court is discussed under writ jurisdiction.

21. Integrity and honesty is the essence of the organisation especially in banking sector. During the entire process of departmental enquiry, the petitioner did not raise issue of being deprived of reasonable opportunity. Though he raised the ground that the necessary documents are not given to him but as observed that noting of the Enquiry Officer is sufficient to show that proper opportunity was granted to him. Admittedly, the principles which govern a disciplinary enquiry are distinct from those which apply to criminal trial. The purpose of a disciplinary proceedings by an employer is to inquire into an allegation of misconduct by an employee which results in violation of service rules. In a criminal trial, charge has to be proved beyond reasonable doubt whereas in a disciplinary proceedings charge of misconduct has to be established on a preponderance of probabilities.

22. As observed that in the exercise of judicial review this Court does not act as an Appellate forum over the findings of the disciplinary authority. This Court cannot re-appreciate the evidence on the basis of

which the finding of misconduct has been arrived at in the course of a disciplinary enquiry. While exercising writ jurisdiction the exercise of judicial review is restricted to determine whether the rules of natural justice have been complied with. The notings of the Enquiry Officer that every opportunity was given to the petitioner to examine the witnesses as well as to inspect the documents. The petitioner himself had admitted during his statement before Enquiry Officer on 29/11/2010 by which he had stated that he had visited the Wadgaon Branch on 30/10/2010 and verified all the documents submitted in the enquiry. He further admitted that he received these documents and he had no objection to accept them as management exhibits. This fact itself is sufficient to show that the rules of natural justice have been complied with. The statutory rules governing the conduct of the disciplinary enquiry appears to be observed by giving proper opportunity to the petitioner. The petitioner had not made out the case that the finding of misconduct is based on no evidence. In fact, the findings of misconduct appears to be on the basis of oral as well as documentary evidence. The petitioner also failed to show that the finding of the disciplinary authority suffers from perversity. Thus, none of the tests for attracting the interference of this Court are satisfied in the present case. The enquiry was conducted in accordance with the principles of natural justice. The findings of the Enquiry Officer and the disciplinary authority are sustainable with reference to the evidence which was adduced during the enquiry. In the result, as writ petition is devoid of merits and deserves to be dismissed.

23. Hence, the writ petition is dismissed. No costs.

24. Rule stands discharged.

(URMILA JOSHI-PHALKE, J.) **(A.S. CHANDURKAR, J.)**

**Divya*