

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

WRIT PETITION No. 1445 OF 2022.

Akhilkumar Madhukar Naik. Petitioner.

VERSUS

M/s. Life Insurance Corporation
of India and another. Respondents.

Mr.S.R. Kale, Advocate for the Petitioner.

**CORAM : NITIN JAMDAR AND
ANIL L. PANSARE, JJ.**

DATE : 11 MARCH 2022.

P.C.

Heard the learned Counsel for the Petitioner.

2. The Petitioner who was working with the Respondent – Life Insurance Corporation, has sought to challenge the orders passed by the Respondent removing him from the service, without

2

disqualification for future service and dismissing the appeal filed by the Petitioner.

3. The Petitioner joined the services of the Respondent Corporation on 19 March 2012 as an Assistant Administrative Officer. The Petitioner was served with a charge sheet on 29 February 2019. An enquiry was conducted. The Petitioner participated in the enquiry. On 31 July 2019 the Presenting Officer submitted his conclusions to which the Petitioner submitted his response. On 5 September 2019, the Enquiry Officer submitted his findings and a show cause notice was issued to the Petitioner on 16 March 2020, against which a representation was made by the Petitioner. The findings of the Enquiry Officer were accepted and an order of removal from service was passed on 4 June 2020. The appeal filed by the Petitioner was dismissed on 13 October 2020.

4. The charges against the Petitioner were that the Petitioner while working with the Respondent had collected and taken the renewal premium due under the policy of his own life. According to the Respondent, the requisite credit was not given and the Petitioner misused his official position and manipulated the pay slips. It is also stated that the Petitioner misused the position to cause undue favour to his spouse, causing loss to the Corporation. Similar action were taken in respect of Petitioners' brother and misusing of the official position and causing loss to the Corporation. Also in respect of one

3

James Tirkey, where the play slip was stated to be manipulated. Similar allegations were in respect of Ashok Shende, where the Petitioner has stated to have manipulated the payslip and caused loss to the Corporation. The charges were 14 in number in respect of instances of manipulation of documents such as pay slip and causing loss to the Corporation. The Petitioner was given opportunity in the departmental enquiry, as can be seen from the proceedings of the enquiry. The Petitioner in the appeal took various grounds, which the Appellate Authority, after dealing with each ground, passed the order.

5. The scope of interference in respect of findings in the departmental enquiry in writ jurisdiction is very limited. The departmental enquires are held to ascertain whether the employee is fit to be retained in service. In the present case, the Respondents have not dismissed the Petitioner from his services, but, a penalty of removal from service has been imposed.

6. The learned Counsel for the Petitioner has sought to urge that in respect of charge pertaining to one Mr. Ashok Shende, said person was not examined. Infact had he been examined, it would have been revealed that there were cash transactions. It is stated that the Petitioner was not allowed to cross examine Ashok Shende.

7. However, the charges are not only pertaining to Ashok

4

Shende, but, there are around 14 charges in respect of other persons as well, including the Petitioners brother and wife. Petitioner was working with the Respondent Corporation. In the departmental enquiry, it was revealed that there was manipulation in the record which charges is also based on documentary evidence. As regards examination of Ashok Shende, the Respondent Authorities have not chosen to examine him and therefore, the issue of cross examination of Ashok Shende does not arise. If the Petitioner was of the opinion that the evidence of Ashok Shende would be beneficial to him, the Petitioner could have cited him as his witness, which has not been done.

8. Even assuming that the charge as against Ashok Shende is to be kept aside, there are 14 charges independent of the charge of Ashok Shende. Therefore, in the enquiry, when a finding has been recorded after giving opportunity to the petitioner and having been looked again in the appeal by the Appellate Authority, we do not find that any interference is required in writ jurisdiction.

9. The Writ Petition is therefore, dismissed.

(ANIL L. PANSARE, J) (NITIN JAMDAR, J)

Rgd