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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1376 OF 2023

Prashant Sahebrao Jadhav	.. Petitioner
Versus	
Union of India & Ors.	.. Respondents

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DASHARATH
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Mr. Shrirang Katneshwarkar for petitioner.
Mr. R. R. Shetty a/w Mrs. Smita Thakur for respondent nos.1 to 3/UoI.
Mrs. Kalyani Pathak for respondent nos.4 and 5.

**CORAM: S. V. GANGAPURWALA, ACTING CJ. &
SANDEEP V. MARNE, J.**

DATE: FEBRUARY 7, 2023

P.C.:

- 1.** We have heard the learned advocate for the petitioner. The petitioner seeks direction against the respondent nos.2 and 3 to initiate investigation into all grievances raised by the petitioner by complaint dated 18th August, 2021 and 9th November, 2021. The petitioner also challenges the charge-sheet issued to him by the employer (respondent no.5).
- 2.** The learned advocate for the petitioner strenuously contends that the charge-sheet issued to the petitioner is a counter-blast to the complaint filed by the petitioner against respondent no.5 with respondent nos.2 and 3. The respondent nos.2 and 3 have not proceeded with the complaint and on the contrary, relying upon the explanation of respondent no.5, the respondent nos.2 and 3 are required to initiate proper investigation against the respondent no.5. According to the learned advocate the charges against the petitioner are vague. The inquiry is being conducted by a third-party Advocate and not by the superior authority of the respondent no.5. The same is not permissible. The learned advocate relies upon the judgment of the Andhra Pradesh High Court in the case of

G. Chandrakanth vs. Guntur Dist. Milk Producers' Union Ltd.

delivered in Writ Petition No. 10127 of 1992 dated 23rd April, 1994.

3. The learned advocate for the respondent no.5 submits that pursuant to the complaint of the petitioner, the respondent nos.2 and 3 sought explanation from the respondent no.5. The respondent no.5 provided the necessary explanation and the UGC was convinced with the explanation provided it. According to the learned advocate for the respondent no.5 the charges are specific. The service rules do not prohibit the appointment of third party as an inquiry officer. The petitioner is allowed the assistance of Advocate.

4. We have considered the submissions.

5. This Court in normal circumstances do not interfere with the departmental proceedings. We do not find any specific allegations of mala fides. The charges framed cannot be said to be vague. The inquiry is at the nascent stage. It is not the case that the principles of natural justice are violated. In the case of **G. Chandrakanth** (Supra) before the Andhra Pradesh High Court, the service conditions specifically provided an appointment of a superior officer as an inquiry officer. In light of that, the Andhra Pradesh High Court observed that the rules do not permit the disciplinary authority to appoint an outsider as enquiry officer. In the present case, no such rules exist. The reliance is placed upon the DoPt instructions. However, the same would apply to the Central Government employees. It is not on record that the Central Government Service Rules have been adopted by the respondent no.5.

6. In light of that, no interference is called for.

7. The writ petition is disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)