

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

WRIT PETITION NO.2021/2020

Pravin Shyamrao Samarth Vs. Maharashtra Metro Rail Corporation Limited

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders

Court's or Judge's order

.....
Ms. Sejal Lakhani, Advocate for Petitioner.

Mr. G. A. Kunte, Advocate for Respondent.

CORAM : A.S.CHANDURKAR AND MRS.VRUSHALI V. JOSHI,JJ..

DATED : 24.01.2023

1. The challenge raised in this writ petition is to the order of repatriation dated 29.06.2020. By the said order services of the petitioner who was engaged on deputation with the respondent No.1 have been repatriated to his parent department which is Central Railway.

2. It is seen from the order of repatriation that the petitioner had joined the services of the Maharashtra Metro Rail Corporation Limited - Corporation on 09.09.2015 on deputation. This was for a period of three years and the same came to be extended for two more years till 09.09.2020. The services of the petitioner were permanently absorbed with the Corporation on 19.06.2019. However on 31.08.2019 the permanent absorption of the petitioner was cancelled. Since the period of deputation was to expire on 09.09.2020, the Corporation informed the petitioner of the said on 29.06.2020. It was stated therein that a disciplinary proceeding was pending against him.

3. According to the learned Counsel for the petitioner, the Corporation did not comply with the requisite

time within which the disciplinary proceedings have to be completed. Moreover copy of the enquiry report has not yet been supplied to the petitioner. On the other hand, it is submitted by the learned Counsel for the Corporation that on completion of the enquiry, the Enquiry Officer submitted his report on 11.12.2019. Thereafter, the entire record had been sent to the parent department – Central Railway vide communication dated 30.06.2020. Prior thereto, the permanent absorption of the petitioner has already been cancelled.

4. We find that the period of deputation of the petitioner having come to an end on 09.09.2020, no fault can be found with the impugned communication dated 29.06.2020 informing the petitioner of the same. If any action is further taken against the petitioner by the parent department – Central Railway pursuant to the enquiry report, it would be open for the petitioner to challenge the same in accordance with law. All grounds in that regard raised in this writ petition are kept open for being raised in that contingency.

5. With these observations, writ petition is disposed of. No costs.

(MRS.VRUSHALI V. JOSHI, J.)

(A.S.CHANDURKAR, J.)

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