

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No.5785 of 2018

Shri. Wasudeo Deoraoji Yenkar Vs Zilla Parishad, Wardha Thr. Its Chief Executive
Officer And Another

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

Court's or Judge's Order

Ms Shilpa P. Giratkar, Advocate for the Petitioner/s

**CORAM : ANIL S. KILOR, J.
DATED : 01.08.2023**

1. Heard.
2. The Industrial Court, Nagpur vide order dated 17.10.2008, which is impugned in the present matter, has upheld the order of recovery of expenses for repairing work of vehicle from the petitioner and also the order stopping one increment as well as treating suspension period as under suspension.
3. After going through the record and the impugned judgment and order, it is evident that on three charges an inquiry was initiated. As far as first charge is concerned, i.e. taking away the vehicle without giving intimation, the petitioner himself wrote a letter dated 24.03.1996 admitting the said fact. Further during the cross examination he has admitted the said letter. In view of the admission, the learned Industrial Court has rightly held that the charge No.1 is proved.
4. The learned counsel for the petitioner, however, argues that the oral permission was obtained from Dr.Smt. Jiawase and she was not examined and therefore, it can be said that there was no

challenge raised to the oral evidence led by the petitioner that, on the oral permission, he had taken away the vehicle. The said argument needs to be rejected only on the ground that the petitioner himself has admitted his guilt in writing.

5. The second charge was in respect of failure to give intimation about accident to the superior officer as well as in respect of removing the vehicle from the spot of accident and repaired it from private workshop. The Inquiry Officer, after analyzing the evidence on record, has held that the said charge was proved.

6. As far as third charge is concerned, i.e. causing damages to the Government property, there is ample evidence available on record namely, the report of the Supervisor of Flying Squad.

7. Thus, I do not find any perversity in the findings recorded by the Inquiry Officer as well as by the learned Industrial Court while dismissing the complaint of the petitioner. Considering the nature of punishment imposed, I also do not find favour with the argument of the learned counsel for the petitioner that three different punishments were imposed. In that view of the matter, the writ petition is **dismissed**.

[ANIL S. KILOR, J.]