

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

WRIT PETITION NO. 4533/2023

Sudhir Jagdish Yadav Vs. Western Coalfields Ltd. and Ors.

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

Court's or Judge's order

.....
Mr. Akshay Sudame, Advocate for Petitioner.

Mr. A. M. Ghare, Advocate for Respondents.

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

DATED : 24.07.2023

. Heard.

2. Mr. Ghare, the learned Counsel present in the Court is directed to accept the notice.

3. The learned Counsel for the respondents on instructions submits that against the order dated 17.08.2021 passed by the Director (Tech/ P & P), remedy of filing an appeal for challenging the minor penalty of Censure is available to the petitioner. The learned Counsel for the petitioner submits that such appeal was preferred before the Chairman cum Managing Director on 07.09.2021. According to the learned Counsel for the respondents, the record of the said appeal is not available with the respondents.

4. In view of the aforesaid, the interest of justice would be served by issuing the following directions :-

(a) The petitioner shall submit the copy of the appeal dated 07.09.2021 to the office of the

Chairman cum Managing Director for its consideration under the Coal India Executives' Conduct, Discipline and Appeal Rules. The appeal shall be treated as being received on 07.09.2021. The respondent No.1 shall consider the said appeal and decide the same on its own merits after giving an opportunity to the petitioner within a period of six weeks of the petitioner tendering the copy of the appeal memo afresh. The decision taken be communicated to the petitioner.

5. The Writ Petition is disposed of with aforesaid directions. No costs.

(MRS.VRUSHALI V. JOSHI, J.)

(A.S.CHANDURKAR, J.)

RGumule