



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1461 OF 2024

Ramesh Ambadas Kusat

....Petitioner

VERSUS

The Union Of India Through
Its Secretary And Others

....Respondents

....

Mr. V. B. Dhage, Advocate for the Petitioner

Ms. N. N. Gore, Advocate for Respondent No. 1

Mr. P. L. Shahane, Advocate for Respondent Nos. 2 & 4

...

CORAM : RAVINDRA V. GHUGE &
R. M. JOSHI, JJ

DATE : FEBRUARY 21, 2024

PER COURT :

1. The Petitioner has put-forth prayer clauses B, C and D as under:

B) Issue writ of mandamus, or any other writ, order or direction like in the nature of writ of mandamus, directing the respondents to supply the documents demanded by the petitioner and copies of service regulations allowed the petitioner to submit his defense statement and then initiate the common departmental enquiry of the same cadre officers as per clause 42 of the M.G.B. officers and employees service regulations and for that purpose issue necessary orders.

C) Issue writ of mandamus, or any other writ, order or direction in the nature of writ of mandamus, direct the respondents to allow the petitioner to defend him through

legal practitioner or retired employee in the departmental enquiry and for that purpose issue necessary orders.

D) Pending hearing and final disposal of this writ petition, the departmental enquiry initiated against the petitioner may kindly be kept in abeyance and for that purpose issue necessary orders.

2. In so far as the list of documents submitted by the Petitioner is concerned, it contains 80 documents. This issue is still before the Enquiry Officer who is yet to pass an order on his application for seeking a direction to the Bank/Employer to produce such documents. Therefore, on this count, the Petition is premature.

3. In so far as the contention of the Petitioner set out in prayer clause 'B' that common departmental enquiry be conducted with reference to same cadre officers, we do not wish to deal with the said aspect since it is for the management to decide.

4. In so far as the demand for a legal practitioner as a defence representative is concerned, if the management representative is not a legally trained officer as a graduate in law, unless the rules prescribe, such directions cannot be given. The request

for engaging a retired employee as a defence representative in the enquiry, has to be left to the Management, provided there is no legal impediment. The Petitioner may suggest such name to the Enquiry Officer and subject to the reply of the management and provided the suggested person is not a person who has already suffered disciplinary action or punishment, an appropriate order may be passed by the Enquiry Officer.

5. As it appears that the bone of contention is as regards a long list of documents that are being sought by the Petitioner, we leave this aspect to the Enquiry Officer after recording the say of the management. Needless to state, an order can be passed by him on such an application in the enquiry.

6. In view of the above observations, this **Writ Petition is disposed off.**

(R. M. JOSHI, J)
Malani

(RAVINDRA V. GHUGE, J)