



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4150 OF 2024

Sunil s/o Bhaulal Potdar .. Petitioner

versus

Union of India & others .. Respondents

Mr. S. B. Patil, Advocate for the Petitioner.

Mr. A. N. Patale, Advocate for Respondent Nos. 1 to 5.

**CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.**

RESERVED ON : 22nd APRIL, 2024.
PRONOUNCED ON : 26th APRIL, 2024.

PER COURT : (Per R. M. Joshi, J.)

1. The Petitioner, Railway Police Force (RPF) personnel, subjected to Departmental Enquiry, has preferred this Petition taking exception to the order passed by the Enquiry Officer dated 02.02.2024, and further seeking directions to the Respondents to provide the copies of the documents sought by the Petitioner.

2. This is a second round of litigation initiated at the instance of the Petitioner in respect of the Departmental Enquiry conducted against him. The Petitioner, by filing Writ Petition No.

1396/2024 had sought stay of the Departmental Enquiry on the ground of filing of First Information Report against him. The said Petition came to be dismissed by this Court by order dated 29.02.2024.

3. It is the case of the Petitioner that he has been served with the charge-sheet dated 15.01.2024 bearing No. BSL/153/DE-07/2023 and the Departmental Enquiry is being proceeded against him. On 39.01.2024, the Petitioner has forwarded an Application to the Enquiry Officer for supply of 17 documents mentioned therein. The Enquiry Officer, by communication dated 02.02.2024, has refused to supply copies of those documents by recording reasons that the department is not relying upon those documents. He further contends that by filing Applications dated 07.02.2024 and 08.02.2024, he has requested the Enquiry Officer to supply copies. However, the CCTV footage and other relevant documents were also refused by the Enquiry Officer by communication dated 06.03.2024. The Petitioner, therefore, seeks directions to the respondent/Enquiry Officer to provide the documents sought by him in his Applications. During the pendency of the Petition, postponement of Departmental Enquiry is also sought.

4. The learned Advocate for the Petitioner submits that it is within the right of the Petitioner to seek relevant documents in order to defend himself effectively in the Departmental Enquiry. According to him, refusal on the part of the Enquiry Officer to provide said documents amounts to non-compliance of the principles of natural justice. This contention is opposed by the learned Advocate for the Respondents on the ground that the Petitioner is interested in delaying the enquiry anyhow and filing of the present Petition is an attempt in that direction.

5. Perusal of the record indicates that the Departmental Enquiry is in progress. The applications filed by the Petitioner/delinquent are dealt with by the Enquiry Officer. The documents which were found to be relevant by the Enquiry Officer, have been ordered to be supplied to the Petitioner. However, the documents which are found to be not relevant, are refused. Thus, it is not the case that the Applications filed by the Petitioner are not taken cognizance of or the same are rejected without recording any reason. In our considered view, the issue as to correctness of the reasons recorded by the Enquiry Officer for refusal of the documents

sought by the Petitioner cannot be gone into while exercising extra ordinary writ jurisdiction. It would be always open for the Petitioner to challenge the orders of Enquiry Officer, as also the fairness of the enquiry, if he so desires, in appropriate proceedings.

6. This is not the case wherein apparently there is failure on the part of the Enquiry Officer to comply with the principles of natural justice or that there is a blatant disregard to the procedure laid down. Pertinently, the proceedings of the enquiry placed before us by the Petitioner indicate that an appropriate opportunity is being given to the Petitioner to cross examine the witness of the department. Similarly, the Applications made by the delinquent are dealt with by recording the reasons therefor. It is pertinent to note that in the enquiry proceeding dated 30.01.2024, it is specifically recorded that the Petitioner is provided with the reports as well as he was shown the CCTV footage during the course of enquiry.

7. Thus, we do not find any substance in the contention of the learned Advocate for the Petitioner about the enquiry being conducted in violation of the principles of natural justice. We,

therefore, find that the Petition sans merit. Resultantly, **the Writ
Petition stands dismissed.**

(R. M. JOSHI)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE

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