

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7251 OF 2024

Suchit Prasad	}	..Petitioner
: Versus :		
Union of India and Ors.	}	..Respondents

Mr. Rajeev N. Kumar a/w. Mr. Amey Kanse, for the Petitioner.

Ms. Neeta Masurkar, for the Respondent.

Coram : ***Sandeep V. Marne, &
Dr. Neela Gokhale, JJ.
(Vacation Court)***

Dated : 17 May 2024.

P.C. :

1) By this petition, Petitioner challenges Order dated 2 May 2024 passed by the Central Administrative Tribunal (**Tribunal**), Mumbai rejecting Original Application No. 457/2024 filed by the Petitioner for allowing engagement of Shri. Ramesh Chandra Singh to act his Defence Assistant in the disciplinary proceedings.

2) The Tribunal has relied upon Rule 8B(iii) of the Employees Provident Fund Staff (CC & A) Rules, 1971 and has held that Shri. Ramesh Chandra Singh was associated with the case at some stage. This was also the observation recorded by the Regional Provident Fund Commissioner in the order dated 16 April 2024. Perusal of the records produced before us would indicate that there is atleast one communication in the form of order dated 25 July 2022 by which Shri. Ramesh Chandra Singh had directed Petitioner to

appear before the Enquiry Officer on 9 July 2022 acting in his capacity as the Officer-in-charge of Regional Office, Raichur. The office order refers to the daily order sheets of preliminary enquiry conducted against the Petitioner. It therefore cannot be said that Shri. Ramesh Chandra Singh was not associated with the disciplinary proceedings in any manner. In his capacity as Officer-in-charge, Shri. Singh had occasion to go through the daily orders of the enquiry and has possibly communicated with the Enquiry Officer. Association of Shri. Singh with the enquiry, *albeit* for limited or insignificant purpose, is thus writ large. The restriction of Rule 8B(iii) would thus apply to the present case. In that view of the matter, no interference is warranted in the order passed by the Tribunal. The Writ Petition is accordingly **rejected**.

[*Dr. Neela Gokhale, J.*]

[*Sandeep V. Marne, J.*]