

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

Digitized by
Nikita
K. Kulkarni
Date: 12/12/2024
Page: 1 of 3

WRIT PETITION NO.8653 OF 2024

Ritesh Sharad SagwekarPetitioner

Vs.

The State of Maharashtra and Ors.Respondents

Mr. Sachin R. Pawar a/w Mr. Sagar Kadam for the Petitioner.

Ms. Neha Bhide GP a/w Nisha Mehra for Respondent Nos. 1 and 2.

Mr. Rishi Ashok a/w Mr. Amogh Patker i/b Bekay Legal for
Respondent Nos. 3 to 8.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 10th DECEMBER, 2024

P.C. :-

1. The only issue taken up by the Petitioner before this Court is that relevant and vital documents were not supplied to the Petitioner in the Departmental enquiry conducted against him and he has been dismissed from service, based on the evidence comprising of such documents.

2. Heard learned advocates for the respective sides.

3. It is undisputed that the Management replied to the Petitioner's notice dated 20th May, 2023, vide its reply dated 6th June, 2023 and clearly informed the Petitioner that the documents which are a part of the enquiry, the findings of the enquiry Officer and the enquiry proceedings, are confidential and cannot be supplied to the Petitioner. It is also undisputed before us that the law on departmental enquiry has crystallized that relevant and vital documents have to be supplied to the delinquent, more so, when they are used as evidence against the delinquent and on the basis of which, he is punished. Non-supply of such vital documents will vitiate the entire enquiry.

4. The learned Advocate for the employer places reliance upon the judgment of this Court, dated 30th July, 2021 delivered in Writ Petition No.3095 of 2019 (***Sunita Jasmine Pauldas Gladston Somervel Vs. State of Maharashtra and Ors.***), wherein this Court has concluded that under Section 18 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2018 and Rule 11 of the Sexual harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013, an efficacious

remedy of appeal before the Industrial Court, has been provided. It was also held that the Petitioner can seek condonation of delay if the appeal is filed beyond 90 days.

5. In view of the above, this **Writ Petition is disposed off** with liberty to the Petitioner to approach the Industrial Court. All the contentions of the parties, including the non-supply of vital documents, are left open.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)