



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

WRIT PETITION NO. 3183 OF 2022

Bhushan Ramkrushna Nichit
Age 38 years, Occ; Nil,
R/o Vilas Colony, Kathora Naka,
V.M.V. Road, Amravati

} .. **Petitioner**

Versus

1. Chairman/Managing Director,
Central Bank of India,
Nariman Point, Mumbai - 400021
2. Regional Manager,
Central Bank of India,
Original Office Amravati,
Platinum Impire Building,
Cotton Market Road, Amravati
3. The Chief Manager,
Central Bank of India,
Original Office Amravati,
Platinum Impire Building,
Cotton Market Road, Amravati

} .. **Respondents**

Mr. V.B.Bhise and Mr. R.V.Shiralkar Advocates for petitioner.
Mr. C.J.Dhumane, Advocate for the respondents.

CORAM : NITIN W. SAMBRE AND
ABHAY J. MANTRI, JJ.

DATED : MARCH 05, 2024

ORAL JUDGMENT (Per : N.W.SAMBRE, J.)

Rule. Rule is made returnable forthwith. Heard
finally by the consent of the learned counsel appearing for the parties.

(2) The petitioner was awarded consolidated punishment of dismissal from service vide impugned order dated 30/09/2020, which was to act as disqualification for future employment under Regulation 4(j) of the Central Bank of India Employees (Discipline and Appeal) Regulation, 1976. Accordingly, an administrative order came to be served on the petitioner on 30/09/2020.

(3) The petitioner accordingly preferred a communication in the form of mercy application dated 13/11/2020 to the Disciplinary Authority, who has rejected the said application on 24/11/2020.

(4) The contentions are that the communication dated 13/11/2020 ought to have been termed as an 'appeal' within the meaning of Clause (17) of the Regulation of 1976 and the Disciplinary Authority in turn ought to have forwarded the same to the appellate authority for its decision.

(5) As against above, the learned counsel for the respondents would urge that the petitioner has never preferred an appeal under Clause (17) of the aforesaid Regulation, but has preferred a mercy application to the Disciplinary Authority and in such an eventuality the Disciplinary Authority is justified in rejecting the prayer of the petitioner.

(6) We have considered the rival submissions.

(7) It is not in dispute that vide final order dated 30/09/2020, the petitioner was awarded punishment of dismissal from service and thereafter the petitioner on 09/11/2020 approached the Disciplinary Authority seeking certain documents. It appears that the petitioner thereafter preferred a mercy application on 13/11/2020 addressed to the Disciplinary Authority. The fact remains that there are no powers vested with the Disciplinary Authority to decide such mercy application. Vide communication dated 09/11/2020 preferred by the petitioner, his intention to prefer an appeal which he was unable to for want of appropriate documents can be inferred.

(8) As such, we are of the view that the mercy application dated 13/11/2020 can be treated as an appeal by the Disciplinary Authority, who in turn can forward the same with his comments to the appellate authority. The appellate authority shall treat the said communication dated 13/11/2020 i.e. **ANNEXURE-L** to this petition as an appeal and shall take decision on the same in accordance with law expeditiously.

(9) As such, the impugned order dated 24/11/2020 is quashed. The Writ Petition stands partly allowed.

(10) Rule is made absolute in the above terms. No costs.

[**ABHAY J. MANTRI, J.**]

[**NITIN W. SAMBRE, J.**]

KOLHE