



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

MISC. CIVIL APPLICATION NO. 357 OF 2024

IN

WRIT PETITION NO. 1200 OF 2023 (D)

(KU. SUREKHA DOMAJI BELE..VS.. EXECUTIVE ENGINEER, TESTING DIVISION, MSEDCL.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Petitioner Ku. Surekha Domaji Bele in-person (Thr.V.C.)
Shri Chaitanya A.Mohgaonkar h/f.Shri A.D.Mohgaonkar, Adv. for
Respondent.

CORAM : ANIL S. KILOR, J.

DATE OF RESERVING THE ORDER : 13/09/2024

DATE OF PRONOUNCING THE ORDER : 11/11/2024

1. Heard both the parties through Video Conferencing.

2. The applicant has sought review of the judgment dated 05/04/2024 on two grounds that the order of termination is not in format given under the MSEDCL Employees' Service Regulations, 2005 (hereinafter referred as "Regulations, 2005") and the Competent Authority has not issued the order of termination.

3. This Court has given the reasons for rejection of the said argument in the judgment dated 05/04/2024. However, on seeking review and thereupon once again going through the Service Regulations, 2005, I do not find any error committed by this Court.

4. The applicant is placing reliance on Fifth Schedule of the Service Regulation No.15 for the purpose of 'Competent Authority', whereas it is apparent on the face of the said Regulations, 2005 that the Fifth Schedule relates with the 'Transfers'. Whereas, in the present matter, the subject matter of challenge is 'dismissal' and not 'transfer'.

5. Furthermore, as far as the 'Competent Authority' is concerned, the appointing authorities are given in Third Schedule. Considering the Third Schedule and the Regulation No.88(k), I have no hesitation to hold that the finding recorded in the judgment dated 05/04/2024 that, there is no error as regards the 'Competent Authority', is just and proper.

6. Moreover, as the order of termination contains necessary facts attached to the punishment of dismissal, the argument relating to non-issuance of termination order in a given format, does not survive and accordingly, it is rejected.

Hence, as no error is noticed, the application for review is **rejected**.

JUDGE