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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 13091/2024**

BASANTI DHAN

.....Petitioner

Through: Mr. Ganesh Chand Sharma,
Advocate.

versus

UNION BANK OF INDIA & ORS.

.....Respondents

Through: Mr. Rajat Arora, Mr. Niraj Kumar,
Mr. Ravi Ranjan Mishra and Mr. Sourabh Mahla,
Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

19.09.2024

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CM APPL. 54724/2024

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 13091/2024 and CM APPL. 54725/2024

3. This writ petition has been preferred on behalf of the Petitioner for setting aside the impugned order dated 05.09.2024, whereby the appeal of the Petitioner filed against the order of the Disciplinary Authority dated 20.07.2024, declining the request of the Petitioner for being represented by a counsel of her choice during the inquiry proceedings, was dismissed.
4. Facts to the extent necessary are that Petitioner was appointed with the Union Bank of India on 11.11.2020 as SWO. Owing to the fact that both she and her husband are 100% visually impaired and have two minor children, Petitioner requested for transfer to Faridabad, soon after her



appointment. Petitioner's request was not acceded to and she kept representing. Unfortunately, on 15.09.2022 Petitioner's minor son died due to blood cancer. Charge Sheet was issued to the Petitioner on 17.07.2023 for alleged unauthorised absence exceeding 30 days, wilful insubordination etc. and disciplinary proceedings were initiated by the Bank. On 09.05.2024, Petitioner requested for engaging Mr. Ganesh Chand Sharma, Advocate as her Defence Assistant but the request was rejected by the Disciplinary Authority vide order dated 20.07.2024. Petitioner filed an appeal before the Appellate Authority for a direction to the Disciplinary Authority to reconsider the request, however, the appeal was dismissed on 05.09.2024, compelling the Petitioner to file the present petition.

5. The limited relief that the Petitioner seeks in the present writ petition is a direction to the Disciplinary Authority to permit her to engage Mr. Ganesh Chand Sharma, Advocate as a Defence Assistant to defend her in the inquiry proceedings on the ground that Petitioner is 100% visually impaired and will be able to defend herself effectively only through the said counsel, as he is totally familiar with the intricate details of her case. Moreover, as per the Memorandum of Settlement on Disciplinary Action Procedure for Workmen dated 10.04.2002, Petitioner is even otherwise entitled to engage a lawyer *albeit* with Bank's permission.

6. This petition was listed for admission on 18.09.2024. Mr. Rajat Arora, learned counsel for Respondents, appearing on advance copy of the petition had sought time to revert back with instructions. Mr. Arora hands over a communication dated 19.09.2024, whereby he is instructed to inform the Court that Bank has no objection to the Petitioner engaging Mr. Ganesh Chand Sharma, Advocate as her Defence Assistant, provided this case is not



treated as a precedent and Bank is also permitted to engage a lawyer as a Presenting Officer, so that both parties are on a level playing field.

7. Communication dated 19.09.2024 is taken on record.

8. Considering the fair stand taken by the Bank, which the Court appreciates, this writ petition is disposed of permitting the Petitioner to engage Mr. Ganesh Chand Sharma, Advocate as her Defence Assistant in the pending disciplinary proceedings. It is made clear that this order is passed in the special facts of this case and will not be treated as a precedent in any other case. It would be open to the Bank to engage a lawyer as a Presenting Officer, to present its case before the Inquiring Authority. It is further directed that the Inquiring Authority shall defer the inquiry proceedings to a date beyond two weeks from today to enable the Petitioner to engage the Defence Assistant and prepare her defence.

9. Petition stands disposed of in the aforesaid terms, along with pending application.

JYOTI SINGH, J

SEPTEMBER 19, 2024

B.S. Rohella