



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.4025 OF 2018

Sunil s/o. Narayan Gonyal,
Age : 55 years, Occ. Nil,
r/o. Plot No.44, Madhuban Colony,
Sahakar Nagar, Savedi,
Ahmednagar

..Petitioner

Vs.

1. The Central Bank of India,
Central Office "Cnahdramukhi",
Nariman Point, Mumbai - 400 021,
Through its Managing Director
2. The Reviewing Authority/
Field General Managar,
Central Bank of India,
Zonal Office, 317, M.G.Road,
Pune 411 001
3. The Appellate Authority/
Deputy General Manager,
Zonal Office, 317, M.G.Road,
Pune 411 001
4. The Disciplinary Authority/
Regional Manager,
Central Bank of India,
Regional Office, 5-5-72,
Jagtap Building, New Osmanpura,
Aurangabad - 431 005
5. The Inquiring Authority,
Lead Bank Managar,
LDM Office, Central Bank of India,
Ahmednagar

..Respondents

Mr.A.M.Gaikwad, Advocate for petitioner
Mr.S.V.Warad, Advocate for respondents

**CORAM : R.G.AVACHAT AND
NEERAJ P. DHOTE, JJ.**
DATE : AUGUST 07, 2025

ORDER :-

Heard.

2. The challenge in this Writ Petition is to the order of the petitioner's dismissal from service, pursuant to the departmental enquiry conducted against him.

2. According to learned counsel for the petitioner, the Enquiry Officer did not inform the petitioner anything about further dates in the matter. The record does not indicate the petitioner to have been informed about the next dates of enquiry and further proceedings to be held therein.

3. Learned counsel for the respondent - Bank places on record the chronology of the events. The same are taken on record and marked as "X" for identification. He submits that the petitioner consciously remained absent to face the enquiry. The charge is serious one. There are not less than two hundred entries indicating the petitioner to have indulged in monetary defalcation.

4. The petitioner was working as an Assistant Manager with the respondent - Bank. When he was posted as In-charge of the Currency Chest, M.I.D.C., Nagapur Branch, a charge-sheet, containing statements of imputation of lapses/irregularities, was served upon him. The charge-sheet contained three charges of fraudulent transfer of amount. It was issued on 09.12.2015. The Enquiry Officer was appointed on 22.12.2015. The petitioner had made a representation for replacing the Enquiry Officer, on the ground of personal bias against the petitioner. Since his prayer was turned down, the petitioner had approached this Court in Writ Petition (3366/2016). The Writ Petition was disposed of on 11.04.2016, granting no relief to the petitioner. The enquiry was scheduled on 16.04.2016, i.e. within five days of dismissal of the Writ Petition. On that day, the Presenting Officer was on leave and the petitioner also sought adjournment. The enquiry was, therefore, adjourned to 18.04.2016. Again, the petitioner requested for adjournment. The Enquiry Officer did not grant the same since the petitioner had availed number of such opportunities earlier. The enquiry was, however, adjourned to 21.04.2016. On that day, the petitioner did not remain present before the Enquiry Officer. The enquiry, therefore, proceeded *ex-parte*. On the given day, i.e. on 21.04.2016, the bank examined its witnesses and the matter was

adjourned for next day, i.e. 22.04.2016. On that date, the petitioner remained absent. The Enquiry Officer concluded the enquiry in the absence of the petitioner and submitted his report on 04.05.2016. On 01.08.2016, the competent authority accepted the report. The appointing authority dismissed the petitioner from service on 01.08.2016. During the preceding period, the petitioner was under suspension.

5. The record indicates that the petitioner had moved this Court for review of the order dated 11.04.2016, passed in Writ Petition No.3366 of 2016. He had moved an application dated 18.04.2016 to the Enquiry Officer, asking for deferment of the enquiry. The petitioner's review application was not decided by this Court.

6. Dismissal from service is serious punishment. It is true that, in the facts and circumstances of the case, the same might have been adequate and proportionate punishment as well. The fact, however, remains that post April, 2016, the petitioner did not have opportunity to participate in the enquiry proceedings. The application for adjournment remained undecided. He was pursuing an application for review of this Court's order dated 11.04.2016, passed in Writ Petition No.3366 of 2016. As such, in our considered

view, the enquiry was culminated without giving the petitioner proper opportunity of hearing.

7. Learned counsel for the petitioner, on instructions, makes a statement that if the order of dismissal of the petitioner from service is set aside, he will not claim any monetary benefit. He would co-operate with the enquiry to ensure that it is taken to its logical conclusion within time frame. Post decision of the enquiry, his rights as regards pension or back wages, may be exercised in the event of he being exonerated.

8. In view of the statement made by learned counsel for the petitioner and the fact that the departmental enquiry proceeded without hearing the petitioner, the order impugned herein is set aside. The departmental enquiry stands restored to the stage it was on 18.04.2016. The same shall continue onward from that stage and to be taken to its logical conclusion within a period of six months. Since the petitioner has attained the age of superannuation, there is no question of he being reinstated in service. The petition stands disposed of accordingly.

[NEERAJ P. DHOTE, J.]
KBP

[R.G. AVACHAT, J.]