

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

WRIT PETITION NO. 19515 OF 2024

Manohar Dipaji Nundhekar. ... Petitioner.
Versus
The State of Maharashtra & Ors. ... Respondents.

Mr. B.K. Barve a/w. Mr. Sandeep Prasad S. Rokade, for the Petitioner.
Ms. Vandana Bait i/b. Mr. Amey Deshpande, for Respondent Nos. 2 to 4.
Ms. P.N. Diwan, AGP for Respondent/State.

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

DATE : 14th FEBRUARY, 2025

P.C. :

1. Leave to delete Respondent No. 1. Deletion be carried out forthwith. Serial Numbers of the rest of the Respondents to be rearranged.

2. A full fledged departmental enquiry has been conducted against the Petitioner. The second show cause notice is dated 25.11.2024. Copy of the enquiry officer's report was supplied. The Petitioner submitted his explanation on 27.11.2024. The order of punishment is dated 1.01.2025 imposing punishment of "*withholding annual increment*

for 2 years with cumulative effect'. The said order of punishment has not been challenged in this Petition.

3. Leave to amend and add grounds, challenges and place the impugned order on record. Amendment to be carried out within 30 days. Amended copy of the memo of the Petition shall be freshly typed within the same time line and copies will be served on the Respondents.

4. Rule. No interim relief since the punishment is of stoppage of two annual increments. The legality of the departmental enquiry and whether the findings of the enquiry officer are perverse or not, will have to be first adjudicated upon.

5. Issue notice to the Respondents.

6. The office shall effectuate the notices on the Respondents after the freshly typed amended copy of the memo and spare copies of the Petition paper book are tendered by the Petitioner.

7. The Respondents shall complete the pleadings within a period of 90 days from the date of issuance of the notice. Rejoinder

affidavit, if any, shall be filed within 30 days thereafter.

8. The employer is at liberty to keep the original record and proceedings of the departmental enquiry available as and when the matter would be heard finally.

9. All office objections to be removed on or before 25th March, 2025, failing which the Petition would stand dismissed on 26th March, 2025.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)