



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

WRIT PETITION NO. 3913 OF 2019

(Sushant s/o Haridas Bawangade vs. The MSEDCL Mumbai and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

Mr. A.D.Dangore, Advocate for petitioner.

Mr. D.M.Kale, Advocate for respondents.

CORAM : SIDDHESHWAR S. THOMBRE, J.
NOVEMBER 07, 2025

- 1) Heard learned counsel for the respective parties.
- 2) The present petition is directed against the order dated 21/03/2014 passed by the respondent No.2 Disciplinary Authority whereby two increments were withheld on permanent basis and petitioner's claim of promotion was ordered to be not considered for three years.
- 3) Learned counsel for the petitioner would submit that the enquiry conducted against the petitioner is not as per the Maharashtra State Electricity Distribution (Services) Regulation 2005 and more particularly Regulation 88(b) which reads as follows :-

“88.(b) CHARGE SHEET

An employee against whom action is proposed to be taken for any act of misconduct shall be provided with a copy of the charge or charges (Annexure 2) as well as a statement of allegations that have been made against him and over which enquiry is being held.”

- 4) He further invited my attention to the specific contention raised by the petitioner that no documents were provided to the petitioner and straightway charge-sheet was filed. Even he submitted that no statement of allegations was

served upon the petitioner and therefore, on this ground he submitted that the enquiry conducted against the petitioner was not as per the procedure contemplated under the Regulations and consequential punishment awarded is not proper.

5) On the contrary learned counsel for the respondent submitted that the petitioner has already submitted his reply to the statement of claim and he would further submit that now the petitioner has agitated this ground before this Court for the first time and he has not raised this ground either before the Enquiry Officer or before the Appellate authority.

6) Having gone through the case papers which are placed on record and reply, more particularly, after going through the Regulation 88(b) of the Regulation 2005 it reveals that no statement of allegations was served upon the petitioner and he has raised this specific ground in the present writ petition. Therefore, as due procedure was not followed as contemplated in Regulation 88(b), resultantly the enquiry vitiates. In my opinion, the enquiry conducted by the Enquiry Officer was not as per the Regulation.

7) Let there be de-novo enquiry from the stage of submissions of statement of claim. The Disciplinary Authority shall issue a statement of allegations and after giving opportunity of hearing to the petitioner shall conclude the enquiry within a period of six months from today and pass necessary orders in accordance with law.

(SIDDHESHWAR S. THOMBRE, J.)