



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

WRIT PETITION NO.3107/2025

Union of India and others Vs. Prakash s/o Mandansa Mandavgade

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

Court's or Judge's order

Mr. S.A.Chaudhari, Advocate for petitioner.
Ms.Rashi Deshpande, Advocate for Caveator/respondent.

CORAM : NITIN W. SAMBRE & SACHIN S. DESHMUKH, JJ.
DATE : JUNE 20, 2025.

1. Heard.
2. This writ petition is preferred by the Union of India-the employer of the respondent-employee challenging the order dated 23rd April, 2024 passed by the Central Administrative Tribunal, Mumbai. By the said order, the Original Application preferred by the respondent-employee was allowed with directions to reinstate the respondent-employee and to pass an appropriate order regarding the period of absence of the respondent from duty as well as back wages, if so agreed, to be paid within a period of four months from the date of the order.
3. The order is questioned by the Union of India on the ground that the Enquiry Officer exceeded his jurisdiction while conducting the enquiry. According to him, the witnesses, who were not part of the original list, were examined resulting in a violation of the principles of natural justice.
4. Mr. Chaudhari, learned counsel appearing for the petitioner, would urge that the Tribunal failed to consider that the Enquiry Officer has conducted himself in a manner that caused lawfully prejudice to the petitioner but also granting of reinstatement based on an evidence otherwise was not permissible to be brought on record.
5. The aforesaid contentions were duly canvassed by the counsel for the petitioner before the Tribunal. While dealing with these contentions, the Tribunal observed that there was a flagrant violation of the principles of natural justice

during the recording of evidence, as the respondent-employee who was acquitted of criminal charges was not afforded a sufficient opportunity of hearing. Consequently, the proceedings before the Enquiry Officer stood vitiated to that extent.

6. The fact remains that after the impugned order was passed by the Tribunal, the petitioner approached the Tribunal seeking an extension of time for compliance. The Tribunal, by its order dated 21st August, 2024 granted an extension by three months to comply with the order. In the application for grant of extension, the petitioner specifically averred that the process of implementing the Tribunal's order in favour of the respondent had been initiated and that some additional time would be required to complete the same.

7. Now, the petitioner have backtracked from the assurance given before the Tribunal, which formed the basis for granting the extension of time. The petitioner's dishonest conduct, in our opinion, prompt us not to exercise the extraordinary jurisdiction in its favour.

8. Apart from above, if we look into the pleadings in the petition, what can be noticed is that even the same has also contrary the very pleadings were made before the Central Administrative Tribunal in support of the prayer for extension.

9. That being so, no case for causing interference in extraordinary jurisdiction is made out. As such, the petition stands dismissed. No costs.

(SACHIN S. DESHMUKH, J.)

(NITIN W.SAMBRE, J.)