



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

Writ Petition No.220 of 2024

Preeti wd/o Kiran Gulsunge and another Vs. The Assistant General Secretary, State
Bank of India and another

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

Court's or Judge's orders.

Mr.Raaj Sekhsaria, Advocate h/f Mr. Virat Mishra, Advocate for
petitioners.
Mr. Bhushan Mohta, Advocate for respondent no.2.

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 16-10-2025.

1. Heard Mr.Raaj Sekhsaria, learned counsel for petitioners and Mr. Bhushan Mohta, learned counsel for respondent no.2.

2. This petition is directed against the Award dated 28.03.2014 passed by the Presiding Officer, CGIT-Labour Court, Nagpur, whereby the appeal filed by the employee came to be dismissed.

3. Mr. Raaj Sekhsari, learned counsel for the petitioners, strenuously submitted that the dismissal order, which was passed without giving a notice to the employee and therefore, there is clear violation of principle of natural justice. He further submitted that when the departmental inquiry was initiated, the Inquiry Officer did not grant any opportunity to the petitioner-employee and without following due procedure, inquiry was conducted. The Appellate Court did not consider this fact while deciding the appeal. He would further submit that the charges of the criminal case, and in the departmental enquiry which were instituted against him were identical one. The witnesses in the

departmental inquiry as well as criminal case were one and the same. After conducting full-fledged inquiry, the Appellate Authority ought to have set aside the order of dismissal issued by the Department. Therefore, being aggrieved by the said order of the Appellate Authority dated 28.03.2014, the present petition is filed.

4. Per contra, learned counsels for the respondents submit that while conducting the inquiry sufficient opportunity was given to defend the case. There are allegations of misappropriation and therefore, criminal case and departmental proceedings were initiated and the Disciplinary Authority has taken decision to suspend the employee on 04.08.1998 and after conducting departmental inquiry he was dismissed from the service on 9.10.1999 and against this, the employee filed an appeal and same was dismissed in the year 2014 and accordingly the order was passed in 2014 and the present petition is filed in the year 2024. There was inordinate delay and the same was not explained

5. After going through the record it reveals that the respondents initiated an inquiry against the employee on charges of misappropriation, an inquiry was initiated and simultaneously case was registered against the employee. During the inquiry sufficient opportunity of hearing was given and thereafter he was prosecuted and witnesses were cross-examined. Only because the petitioner was acquitted by the Criminal Court on the ground of benefit of doubt, this cannot be a ground to set aside the dismissal order as inquiry proceeding was finalised in the year 1999 itself. As far as the prayer for compassionate appointment is concerned, it reveals from the record that the employee was out of service from the date of his suspension i.e. year 4.8.1998.

Subsequently, he was dismissed from the service 9.10.1999.

6. In view of the fact that the entire proceedings had already come to an end and the appeal was dismissed in 2014 and therefore, at this stage, it is very difficult to consider the prayer of the petitioner to consider the claim for compassionate appointment when the employee was dismissed from service.

7. In view of above discussion, the petition fails and the same is dismissed./]

(Siddheshwar S. Thombre, J)