



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

WRIT PETITION NO. 2841 OF 2025

Shri Pandhari Bhagwan Pohankar,
Aged about 57 Years,
R/o. Gavrala, Tah. Bhadrawati,
Distt. Chandrapur

...PETITIONER

// V E R S U S //

Amended
as per order
dated
15.10.2025

1. **Maharashtra Gramin Bank,**
Branch Dewada Kurd, Tah.
Chamorshi, Dist. Chandrapur,
Through its General Manager/
Competent Authority.

2. **Mr Amol S/o. Prakashrao Kathale,**
Manager, Maharashtra Gramin Bank
The Enquiry Officer,
C/o. Vidarbha Konkan Gramin
Bank, Bhadrawati Branch,
District Chandrapur

..RESPONDENTS

Mr H. V. Thakur, Advocate for the petitioner
Ms Radhika Bajaj, Advocate for respondents

CORAM : ANIL S. KILOR AND RAJNISH R. VYAS, JJ.
DATED : NOVEMBER 26, 2025.

ORAL JUDGMENT : (PER : ANIL S. KILOR, J.)

1. Heard.

2. **RULE.** Rule made returnable forthwith. Taken up for
final disposal with the consent of learned counsel for the parties.

3. In the present matter, the issue is whether the denial of permission to the petitioner to engage a lawyer to defend him in the departmental enquiry initiated by the respondent-Bank is just and proper.

4. No doubt there is a specific provision which prohibits to engage a lawyer in departmental enquiry. However, at the same time it provides to ask for permission to engage a lawyer to defend the delinquent in such enquiry and if permission is granted a lawyer can defend such delinquent.

5. In the present matter, accordingly an application was moved by the petitioner stating the following reasons for such permission.

“2) It is submitted that as per the order of Hon'ble High Court in Writ Petition no. 5757/2023, de novo enquiry is initiated against me with respect to charge sheet of alleged misappropriation of amount/misconduct during the old period from 2012 to 2019.

3) The nature of charge sheet shows that the allegations pertaining to the record of more than 60 Bank account holders. Bank management has relied upon voluminous documentary record pertaining to more than 60 bank accounts. More over the electronic records of the bank for the period from 2012 to 2019 is also a part of consideration in the enquiry.

4) It is submitted that the nature of enquiry in this case

involves disputed and complicated question of law and facts. Applicant belongs to socially and economically weaker section of the society and he has taken education up to 10th standard. The applicant is not well conversant with the legal procedure to be followed in departmental enquiry and he is also not conversant with the legal procedure for leading evidence and cross examination of witnesses, which can be only done by Advocate who is conversant with Law. The applicant will not be able to adequately defend himself in the enquiry due to want of proper legal knowledge. The applicant is also facing criminal charges on the same allegations as mentioned in the charge sheet and the prosecution is also pending in the criminal court at Pombhurna.

5) Therefore in the interest of justice and in order to comply with principle of natural justice and in order to give opportunity and fair chance to defend in the enquiry, the applicant may be permitted to engage the private independent Advocate/Counsel as per rule 44 of Vidharbha Konkan Gramin Bank (Officers and Employees) Service Regulations, 2013 to defend himself in the departmental enquiry. The applicant would face irreparable prejudice if he is not granted opportunity to engage the advocate / counsel to defend himself in departmental enquiry.”

6. The Bank in reply to the same issued communication dated 30.04.2025 which read thus:

“Please refer to your mail dated 19/04/2025 along with application of Mr. P.B.Pohankar dated 19/04/2025 regarding above.

The Bank is currently conducting an internal enquiry into certain irregularities done by Mr.Pohankar which are related to banking procedures. In this regard, no advocate has been appointed on behalf of the Bank to participate in the enquiry proceedings.

In view of the restrictions under Section 44 of the Vidharbha Konkan Gramin Bank (Officer & Employee) Staff Service Regulations, 2013, prior to the approval of the Competent Authority is required for the involvement of an advocate. This provision has been incorporated specifically because legal

professionals may not possess the requisite understanding of banking operations required for conducting of the departmental enquiry. Also, as a matter of practice, the Bank also does not engage any advocate on their behalf in such internal inquiries. Engaging a legal counsel most likely leads to complicate and further delay the present proceedings, which have already experienced significant delay.

Upon due consideration, undersigned has concluded that this case does not warrant the appointment of an independent legal representative. The issues under enquiry pertain purely to banking procedures, and therefore, the application of formal legal processes is not necessary. Mr. Pohankar is free to avail the services of any working Bank staff as a Defence Representative. Needless to mention that the departmental enquiry would be conducted in accordance with the procedure provided, ensuring fairness and due process at every stage.”

7. Rule 44 of the Vidharbha Konkan Gramin Bank (Officers and Employees) Service Regulations, 2013 says that for the purposes of any enquiry under these regulations, the officer or employee shall not engage a legal practitioner without prior permission of the competent authority.

8. Thus, the respondent authority ought to have considered the petitioner's request to engage an advocate as a defence representative in the light of the reasons stated by the petitioner in his application for permission.

9. Considering the scope of the enquiry, the nature of allegations and educational qualification of the petitioner, in order to give fair opportunity to the petitioner, if such request was made by the petitioner, the respondent-authority ought to have considered the same in light of the reasons stated in the application for such permission. However, the authorities failed to do so.

10. Considering the reasons stated in the application and the nature and scope of enquiry and the nature of charges, which are serious, we are of the opinion that the request of the petitioner to engage an advocate in such enquiry is a reasonable request, which ought to have been allowed by the respondent.

11. In the circumstances, we pass the following order-

- i) The writ petition is allowed.
- ii) The communications dated 30.04.2025, 20.05.2025, 06.05.2025 are hereby quashed and set aside.
- iii) Consequently, the application moved by the petitioner dated 19.04.2025 and 15.05.2025 stand allowed.

12. The Writ petition stands **disposed of**, accordingly.
Rule made absolute in the above terms. No order as to costs.
Pending applications, if any, also stand disposed of.

[RAJNISH R. VYAS, J]

[ANIL S. KILOR, J.]

Namrata