IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 911 OF 2024

IN

WRIT PETITION NO. 7412 OF 2018

Dhruba Charan Pandab **... Applicant**

IN THE MATTER BETWEEN

Dhruba Charan Pandab **... Petitioner**

Versus

The Deputy Chief Account Officer And Anr. **... Respondents**

Mr. Mahendra Agvekar *a/w Mr. C. M. Lokesh, Ms. Shraddha Chavan for Petitioner.*

Ms. Sonali R. Chavan *a/w Ms. Isha Hajare i/b Dr. Uday P. Warunjikar for Respondent No.1.*

CORAM : SANDEEP V. MARNE, J.

DATE : 1 OCTOBER 2026.

P.C. :

1) The Petition challenges Part II Award dated 5 July 2017 passed by the Central Government Industrial Tribunal-I, Mumbai answering Reference No. CGIT-1/39/2004 in the negative. The Reference was with regard to dismissal of the Petitioner from service with effect from 20 October 2003 as a measure of penalty.

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2) I have heard Mr. Agvekar, the learned counsel appearing for Petitioner and Ms. Chavan, the learned counsel appearing for Respondents-Railway Administration.

3) It appears that Petitioner was engaged as a Bungalow Peon with Mrs. Rashmi Kapoor, who was Financial Advisor and Chief Accounts Officer in the Western Railway. His appointment was made in pursuance of note submitted by the Officer to the General Manager. He was not a regular employee and was engaged as a Bungalow Peon merely on recommendation of the Officer concerned. His engagement was not in a regular capacity, but he was engaged merely as a substitute on a temporary basis with effect from 17 October 2000. Despite this position, the Railway Administration acted fairly and issued a chargesheet dated 29 November 2001 to the Petitioner, alleging charges of unauthorized absence and non appraisal of telephonic message received at the residence of the Officer, thereby causing her embarrassment. Though the charges were proved in the enquiry by taking into consideration evidence of the Section Officer, the CGIT held in Part I Award that the enquiry was not fair and proper and that the findings of the Enquiry Officer were perverse.

4) Before the Industrial Tribunal, the Railway Administration led evidence of the Section Officer, who produced before the Tribunal the note of the Officer detailing the misconduct alleged against the Petitioner. Thus, some evidence was produced before the Industrial Tribunal by the Railway Administration in support of the charges levelled against the Petitioner. The CGIT has apprised the evidence on record and has upheld the finding of guilt agaisnt the Petitioner. In the

light of availability of some evidence on record, finding of guilt cannot be branded as perverse. Even otherwise, the Petitioner did not have any right to remain in Railway service, since he was engaged on recommendation made by the Officer at her residence and his engagement was merely in a temporary capacity. He also rendered services only from 17 October 2000 till he remained absent from 5 November 2001.

5) In view of the above position, I find no reason to interfere with the Part - II Award of the CGIT. The Writ Petition is devoid of merit, it is accordingly **dismissed**. Rule is discharged. There shall be no order as costs.

6) In view of dismissal of the Writ Petition, nothing would survive in the Interim Application and the same stands **disposed of**.

[SANDEEP V. MARNE, J.]