



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

WRIT PETITION NO.1683 OF 2024

[Union of India and Others ..Vs.. Shri. R. H. Gharsile S/o Harishchandra
Singh]

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

Court's or Judge's order

Shri. C. J. Dhumane, Adv. a/b Shri. S. Kalbande, Advocate for Petitioners.

**CORAM : ANIL S. KILOR AND
RAJ D. WAKODE, JJ.**

DATE : 16th JANUARY, 2026.

. Heard Shri. C. J. Dhumane assisted by Shri. S. Kalbande,
learned counsel for the petitioners.

2. The petitioners have approached this Court challenging
the order dated 22.06.2005 passed by the Central
Administrative Tribunal, Mumbai Bench, Camp at Nagpur, in
Original Application No.2251 of 2001.

3. The learned Tribunal, while recording the findings in
paragraph 8 (page 30), has held thus :

“8. It is apparent from the contention of the respondents that the railway quarter allotted to the applicant was found locked. The Station Master Talni was said to have pasted the charge memorandum on the notice board of Talni station in the presence of witnesses. It is not the case of the respondents that the copy of charge sheet had been pasted on the door of the residential quarter allotted to the applicant. The charge sheet was issued to the applicant because of unauthorised absence till issuance of charge sheet. If the applicant was unauthorisedly absent, how can one expect that he will come to know about the charge sheet if the charge sheet is pasted on the notice board of railway station. Respondents ought to have pasted the charge sheet on the door of the applicant's residence. It cannot be said that the charge was properly served by pasting the same on the notice board of railway station.”

4. Thus, the learned Tribunal has given finding that the departmental enquiry initiated by the respondents (petitioners herein) was vitiated on the aforesaid grounds and therefore, allowed the Original Application. The learned Tribunal has directed the petitioners to conduct the disciplinary proceedings afresh from the stage of issuance of the charge-sheet. The learned Tribunal has also directed the petitioners to continue the respondent (applicant therein) in service with all consequential benefits from the date on which he was removed, during the pendency of the said disciplinary enquiry.

5. The petitioners, instead of complying with the order passed in their favour granting them an opportunity to conduct the departmental enquiry against the respondent from the stage of issuance of the charge-sheet, challenged the order of the learned Tribunal dated 22.06.2005 before this Court in Writ Petition No.6269 of 2005. However, the said writ petition was permitted to be withdrawn with liberty to approach the learned Tribunal by filing a review application. Accordingly, the petitioners approached the learned Tribunal by filing Review Application No.2004 of 2007.

6. The said review application, for reasons best known to the petitioners, remained pending till 16.01.2023 and was finally rejected by the learned Tribunal. It is this order dated 16.01.2023 passed in the review application, as well as the original order dated 22.06.2005, that are under challenge in the present writ petition.

7. Considering the reasons recorded by the learned Tribunal in the reasoned judgment dated 22.06.2005, as well as in the order passed in Review Application No.2004 of 2007, we do not find any perversity in the findings recorded by the

learned Tribunal. Also the fact remains that the petitioners had removed the present respondent from service on the basis of such departmental enquiry which was vitiated on various grounds. The learned Tribunal has also recorded the manner in which the enquiry officer was appointed on the same day on which, he conducted the enquiry and examined the witnesses so also the delinquent employee. The relevant findings of the learned Tribunal regarding the appointment of the enquiry officer and the conduct of the enquiry by him on the very same day are recorded thus :

“It appears that the Inquiry Officer who was appointed on the same day conducted the inquiry and examined the witnesses Shri Pande Station Master and Ms. Kalpana Korte and it also reveals that thereafter he examined the delinquent employee. It is certain that the delinquent was not given opportunity to give his defence statement against the charge sheet. The Disciplinary Authority violated the provisions of Rule 9(7) by appointing the Inquiry Officer on the very day and allowing him to conduct the inquiry on the same day without permitting the applicant to file his defence statement.”

8. Thus, in our considered opinion, the learned Tribunal, after recording the lapses in the departmental enquiry conducted by the present petitioners, had granted them an opportunity to rectify the same and to conduct the departmental enquiry afresh from the stage of issuance of the charge sheet which they failed to avail since last twenty years, as the judgment of the learned Tribunal was dated 22.06.2005. Accordingly, the present writ petition is without merit and stands dismissed.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)