

ORDER

WHEREAS, a Departmental Enquiry was initiated against Shri Sandesh Pandurang Gaikwad, Peon, High Court, Appellate Side, Bombay on the following charges :-

- बाब क. १** : आपणांस कर्तव्यावर असतांना पुर्वसूचना न देता वारंवार गैरहजर राहण्याची सवय आहे.
- बाब क. २** : आपण नैमित्तिक रजा बेजबाबदारपणे खर्च करता.
- बाब क. ३** : तसेच आपण २५/०६/२०१३ पासून बेकायदेशीररीत्या सतत गैरहजर आहात. तसेच कार्यालयाने दिनांक १६/०१/२०१४ रोजी जारी केलेल्या जापन क्र. पी.डी.एल.एस./१३९/२०१४ ला आपण उत्तर दिलेले नाही.

अशाप्रकारे आपल्या उपनिर्दिष्ट बेशिस्त व गैरजबाबदारीचे वर्तणूकीद्वारे/कृत्याद्वारे आपण मुंबई उच्च न्यायालय (वर्तणूक) नियम, १९८९ नियम ४(१) (ii) (iii) चे उल्लंघन करून कर्तव्याप्रती निष्ठा राखली नाही व आपली ही वर्तणूक उच्च न्यायालयीन कर्मचाऱ्यांना अशोभनीय अशी आहे. त्यामुळे आपण मुंबई उच्च न्यायालय (अपील व शिस्त) नियम १९८४, नियम ४ अंतर्गत करण्यात येणाऱ्या कारवाईस पात्र आहात.

AND WHEREAS, a Memorandum No.DES/03/2014/200 dated 28/04/2014 alongwith Articles of charge, Statement of Imputation, List of documents and List of witnesses have been served upon Shri Sandesh Pandurang Gaikwad through the Bailiff working on the establishment of the Court of Small Causes, Mumbai by affixing it on conspicuous part of the house (at Santacruz (E)) of the delinquent in the presence of Shri. Prakash Jadhav.

AND WHEREAS, the delinquent did not respond to the said chargesheet. Therefore, Shri Shailesh S. Deshpande, Court Receiver, High Court of Bombay, was appointed as an Enquiry Officer to conduct the departmental enquiry against the delinquent. The report dated 06/12/2014 submitted by the Enquiry Officer indicates that the enquiry officer has served preliminary notice of enquiry and Memorandum, Charge Sheet, List of documents, List of witness on Shri Sandesh Pandurang Gaikwad on 14/09/2014 through office peon.

AND WHEREAS, the delinquent neither filed a statement of defence nor did appear before the Enquiry Officer. Hence, the enquiry proceeded ex-parte against him. On the basis of evidence produced in the matter, the enquiry officer has concluded that the delinquent has remained absent unauthorisedly from duty from 25/06/2013 and thus, committed breach of Rule 4(1) (ii) (iii) of the Bombay High Court Conduct Rules, 1989. As such, the charges leveled against the delinquent are duly proved.

AND WHEREAS, a Show Cause Notice No.DES/03/2014/1067, dated 29/12/2014 alongwith a copy of an Enquiry Report dated 06/12/2014 were deemed to be served upon the delinquent (by affixing on the conspicuous part of his residential house at Chembur, Mumbai – 71 on 14/01/2015 in presence of his neighbour Smt. Laxmi Chavan) and personally served upon him on 12/02/2015 at santacruz, thereby, calling him upon to submit his explanation as to why the findings of guilt as recorded by the Enquiry Officer against him should not be accepted. However, he did not respond within stipulated time.

AND WHEREAS, the final show cause notice No.DES/03/2014/868/2015 dated 05/03/2015 was issued to him calling him upon to show cause as to why one of the major penalties prescribed under the Bombay High Court Discipline and Appeal Rules, 1984 should not be imposed upon him. The said notice was received by the delinquent on 09/04/2015. However, he neither responded the said final

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notice nor made any correspondence in that behalf. Moreover, in spite of his own assurance by letter dated 03/02/2015, he failed to resume duties.

AND WHEREAS, the undersigned, the Disciplinary Authority, upon considering the Enquiry Report, the aforesaid facts and circumstances of the case, has been satisfied that major penalty prescribed in Rule 4(1) (viii) of the Bombay High Court Discipline and Appeal Rules, 1984 for removal from service, which shall not be a disqualification for future employment under Government, is required to be imposed on the delinquent which is the only appropriate penalty.

NOW THEREFORE, I, the Registrar General, being the Disciplinary Authority, in exercise of the powers vested in me under Rule 8(4) of the Bombay High Court Discipline and Appeal Rules, 1984, do hereby impose penalty of removal from service, which shall not be a disqualification for future employment under Government, under Rule 4(1) (viii) of the Bombay High Court Discipline and Appeal Rules, 1984, upon the delinquent viz. Shri Sandesh Pandurang Gaikwad, Peon, with effect from the date of service of this order on him.

The note of the above order be taken in the service/confidential records of Shri Sandesh Pandurang Gaikwad, Peon.



**HIGH COURT OF JUDICATURE AT)
BOMBAY DATED 15TH MAY, 2015)**

**MANGESH S. PATIL
(REGISTRAR GENERAL)**

To,
Shri Sandesh Pandurang Gaikwad,
Peon, High Court, Appellate Side, Bombay.
Room No.103, Jai Ambe Chembur S.R.A.,
Co-op. Gram Nirman Sanstha Ltd.,
C.T.S., Chembur Gaon,
Ramkrishna Chemburkar Marg,
Chembur, Mumbai - 71