

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2094 OF 2009

Nehru Science Centre. . .Petitioner.  
Vs.

Mrs. Sulabha D. Khot and anr. . .Respondents.

Mr.J.P.Cama, Sr.Advocate with Neha Mehta, Adv. i/by  
Haresh Mehta & Company for the Petitioners.

Ms. Gayatri Singh with Ms. Bhavana Mhatre for the  
Respondent Nos. 1 and 2.

**CORAM : R.S. MOHITE, J.**

**DATE : 9TH DECEMBER, 2009**

**PC:**

1 Heard both sides.

2 In my view, question as to whether the enquiry was unfair requires reconsideration. The record indicates that, inspection of documents was offered and copies of most of the documents were furnished. In so far as grievance that the Advocate was not allowed as a defence representative, it

appears that the Disciplinary Authority has decided an application dated 16<sup>th</sup> Jan. 1997 asking for allowing Mr.Nimbalkar as their representative by an order dated 4.2.1997. As regards the non allowing of cross examination, the record indicates that the workmen were absent in the enquiry from before the date when the evidence commenced. In such circumstances, cross examination could not be offered. Hence, Rule.

3           As regards the question of grant of interim relief, there will be stay of the impugned judgment and order subject to deposit of back wages which will be deposited in this court within a period of four weeks from today. If and when the back wages are deposited, the same may be invested in a fixed deposit of a nationalized bank initially for a period of one year and thereafter, to be renewed on yearly basis till the disposal of the petition.

4           Two sets of compilation of documents are  
taken on record.

5           Advocate for the respondents waives notice.

6           Hearing of the petition is expedited.

**(R.S. MOHITE, J.)**