



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

WRIT PETITION NO. 3547 OF 2015

Ravidas S/o. Shivramji Rangari,
Aged about 62 years, Occ. : Retired,
R/o. Plot No.26, H.B. Estate
Sonegaon, Nagpur.

.... PETITIONER.

// **VERSUS** //

1. Union of India,
Ministry of Petroleum Oil and
Natural Gas, through its Secretary,
“A” Wing, 2nd Floor, Shastri Bhavan,
Dr. Rajendra Prasad Marg,
New Delhi- 110 001.
2. Indian Oil Corporation, through
its Chairman, Indian Oil Bhavan,
G-9, Aliyaware Jang Marg,
Bandra (E), Mumbai.
3. General Manager (Human
Resources), Western Region,
Indian Oil Bhavan, Bandra-Kurla
Complex, Plot No.C-33, ‘G’ Block,
Bandra-Kurla Complex, Bandra(E),
Mumbai-400 051.
4. Executive Director,
Maharashtra State Office & Competent
Disciplinary Authority, Indian Oil
Corporation Ltd., Plot No.C-33,
‘G’ Block, Bandra-Kurla Complex,
Bandra (East), Mumbai – 400 051.

5. Chief Manager (Operation),
Maharashtra State Office & Competent
Disciplinary Authority, Indian Oil
Corporation Ltd., Plot No.C-33,
'G' Block, Bandra-Kurla Complex,
Bandra (East), Mumbai – 400 051.

.... **RESPONDENTS.**

Shri Shashibhushan Wahane, Advocate for Petitioner.
Shri V.D.Raut, Advocate for Respondent Nos.2 & 5.

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

DATED : FEBRUARY 24, 2026.

ORAL JUDGMENT : (Per : Anil S. Kilor, J)

1. Heard.
2. **RULE.** Rule made returnable forthwith. Heard finally by consent of the learned counsel for the parties.
3. The petitioner, while working as Assistant Manager (Operation) was allegedly caught red-handed for accepting the illegal gratification, by Central Bureau of Investigation (CBI) officials. Whereupon, an enquiry was conducted and the petitioner was dismissed from service vide order dated 03/03/2014 issued by the respondent No.4. The same was upheld by the appellate Authority vide order dated 09/01/2015. Thus, in the present writ petition, the orders dated

03/03/2014 and 09/01/2015 as well as the enquiry report, are under challenge.

Brief facts of the present case are as under :

4. The petitioner entered into service of the respondent No.2 as Typist-Clerk. He was promoted up-to the post of Assistant Manager (Operation). While working as Assistant Manager (Operation), it is alleged that on 19/08/2010 Shri D.T.Welturkar, along with the petitioner, during inspection detected a tampering in the locking system of Tank Truck No. MH-31/AP-4771, which was loaded for MSRTC, Gadchiroli. As per the guidelines of the Indian Oil Corporation Ltd., tampering with standard fittings of the tank truck attracts penalty of blacklisting for two years. Thus, operations of the above referred truck was stopped under oral instructions. It is further alleged that on 28/08/2010 the petitioner demanded illegal gratification from Shri Sunil Chopde, a contractor of Indian Oil Corporation Ltd. on behalf of Shri D.T.Welturkar for allowing the operation of the said tank truck. After negotiations the amount was reduced to Rs.15,000/-.

5. Shri Sunil Chopde thereupon lodged a written complaint on 30/08/2010 with Superintendent of Police, CBI (ACB), Nagpur against Shri D.T.Welturkar and the petitioner. Thereafter a trap was laid by the CBI wherein, the petitioner alleged to have caught red-handed while accepting Rs.15,000/- as bribe amount.

6. Thereafter, the departmental enquiry was conducted against the petitioner, in which the Disciplinary Authority examined three witnesses, whereas the petitioner in defence examined two witnesses.

7. During the pendency of the enquiry, the petitioner got superannuated on 30/11/2013.

8. Thereafter, on 09/01/2014 the respondent No.5-Enquiry Officer submitted his report holding the petitioner guilty of the charges levelled against him. Thereupon, a show cause notice was served upon the petitioner which was replied by the petitioner on 24/01/2014.

9. The Disciplinary Authority, after accepting the finding recorded by the Enquiry Officer and not finding the reply of the

petitioner satisfactory, issued impugned order dated 03/03/2014, dismissing the petitioner.

10. Feeling aggrieved by the same, the petitioner preferred departmental appeal, which came to be dismissed vide order dated 09/01/2015. Hence, this petition.

11. Shri Wahane, learned counsel for the petitioner argues that in the departmental proceeding, the Disciplinary Authority failed to prove demand and unless it is established the charges of accepting the bribe, as levelled against the petitioner, cannot be said to be proved. Thus, the punishment of dismissal is unwarranted and not sustainable in the eyes of law.

12. On the other hand, Shri Raut, learned counsel for the respondent, opposed the petition and submitted that along with the Imputation of Charges numerous documents were supplied to the petitioner including the copy of the complaint. It is argued that these documents are sufficient to establish the guilt against the petitioner. He submits that accordingly, the Enquiry Officer has rightly held that the petitioner is guilty. He accordingly, prays for dismissal of the petition.

13. Having heard the learned counsel for the parties, we have perused the record.

14. In the Statement of Imputation issued in support of the Articles of Charges framed against the petitioner the allegations levelled against the petitioner were as under :

“... That on 19/08/2010, Shri R.S.Rangari along with Shri D.T.Welturkar, Sr.Depot Manager, Tadali Depot, Chandrapur inspected one Tank Truck No.MH-31-AP-4771 of Shri Sunil Chopade, Proprietor of M/s Bharati Automobiles was operating Tank Trucks under the contract issued by Indian Oil Corporation Ltd on 03/01/2009. As per the guidelines, tampering with standard fittings of Tank Trucks attracted penalty of blacklisting for 2 years.

On 19.08.2010, Shri Ravidas Rangari along with Shri D.T.Welturkar during inspection detected a tampering in the locking system of Tank Truck No. MH-31-AP-4771 which was loaded for MSRTC, Gadchiroli. The operation of the said truck was stopped under oral instructions after allowing the truck to carry the already loaded material to MSRTC, Gadchiroli.

That on 28.08.2010, Shri Ravidas Rangari had demanded illegal gratification of Rs.20,000/- from Shri Sunil Chopade, contractor of Indian Oil Corporation, Tadali Depot for himself and on behalf of Shri D.T.Welturkar for allowing the operation of the said Tank Truck. However, after negotiation between Shri Chopade and Shri Rangari, the demand of Rs.20,000/- was reduced to Rs.15,000/- by Shri R.S.Rangari and he asked Shri Sunil Chopade to hand over the amount of Rs.15,000/- to him at his residence in Chandrapur.

That Shri Sunil Chopade lodged a written complaint dated 30/08/2010 with the Supdt. of Police, CBI, ACB, Nagpur against Shri D.T.Welturkar and Shri Ravidas Rangari mentioning therein the details of demand of bribe made by the above two public servants from him. Based on the complaint of Shri Sunil Chopade, Shri Ravidas Rangari was caught red handed by CBI Nagpur Branch on 01/09/2010 while accepting the amount of Rs.15,000/- in presence of independent Panch Witnesses namely Shri P.Z.Kahadinge and Shri S.M.Khotele. The money was recovered from the right hand side back pant pocket of wearing pant of Shri R.S.Rangari.

That Shri Rangari telephonically informed Shri D.T.Welturkar that he has accepted the bribe of Rs.15,000/- upon which Shri Welturkar replied affirmatively by saying "theek hai, theek hai".

By the above acts of Shri Ravidas Rangari, he has exhibited lack of integrity, devotion to duty and by abusing his official position as public servant obtained pecuniary advantage of Rs.15,000/- from Shri Sunil Chopade the Transporter of IOCL, Tadali Depot, Chandrapur for himself and Shri D.T.Welturkar, the then Sr.Depot Manager and has thus violated the Rule 6(1) (a) (b) & (c) and also contravened clauses 7(2), 7(5) & 7(30) of the Conduct, Discipline and Appeal Rules 1980 of the Corporation.

15. From the above referred imputation of charges, it is crystal clear that the charge is of accepting illegal gratification for allowing to operate a tank truck which was tampered with standard fittings, which otherwise attracts penalty of blacklisting for two years.

16. The Disciplinary Authority examined three witnesses, whereas the petitioner in defence examined two witnesses.

17. The Enquiry Officer, while holding the petitioner as guilty, has observed in the enquiry report that from the management documents PX-1 to PX-21 and from the evidence of PW-1, PW-2 and PW-3 it is clear that the petitioner had demanded and received money from Shri Chopde and the same was recovered by CBI team from him before the panchas. Thus, the Enquiry Officer found the alleged conduct of the petitioner in contravention of Rule 6(1)(a), (b) and (c) of the Indian Oil

Corporation Conduct, Discipline and Appeal Rules, 1980 (hereinafter referred to as “Rules of 1980”). It is further held that the petitioner committed misconduct under Rule 7(2), 7(5) and 7(30) of the Rules of 1980.

18. It is thus, evident that the documents PX-1 to PX-21 have been relied by the Enquiry Officer along with oral evidence of PW-1, PW-2 and PW-3 to reach to the conclusion that the petitioner is guilty.

19. The documents at Sr. Nos. 1 to 36, referred in the Chargesheet at Annexure-III are mostly relating to the criminal complaint registered against the petitioner vide Crime No. RC 13(A)/2010-NGP.

20. The Hon’ble Supreme Court of India in the case of *Roop Singh Negi v. Punjab National Bank*, reported in (2009) 2 SCC 570, has observed thus:

“14. Indisputably, a departmental proceeding is a quasi-judicial proceeding. The enquiry officer performs a quasi-judicial function. The charges levelled against the delinquent officer must be found to have been proved. The enquiry officer has a duty to arrive at a finding upon taking into consideration the materials brought on record by the parties. The purported evidence collected during investigation by the investigating officer against all the accused by itself could not be treated to be evidence in the disciplinary proceeding. No witness was examined to prove the said documents. The management witnesses merely tendered the documents and did not prove the contents thereof. Reliance, inter alia, was placed by

the enquiry officer on the FIR which could not have been treated as evidence.

23.The materials brought on record pointing out the guilt are required to be proved. A decision must be arrived at on some evidence, which is legally admissible. The provisions of the Evidence Act may not be applicable in a departmental proceeding but the principles of natural justice are. As the report of the enquiry officer was based on merely ipse dixit as also surmises and conjectures, the same could not have been sustained. The inferences drawn by the enquiry officer apparently were not supported by any evidence. Suspicion, as is well known, however high may be, can under no circumstances be held to be a substitute for legal proof.

21. The Hon'ble Supreme Court of India in the case of *State of Uttar Pradesh through Principal Secretary, Department of Panchayati Raj, Lucknow v. Ram Prakash Singh*, reported in **2025 SCC OnLine SC 891** has held that :

"14. What follows from a conjoint reading of the above two decisions is and what applies here is that, 'materials brought on record by the parties' (to which consideration in the enquiry ought to be confined) mean only such materials can be considered which are brought on record in a manner known to law. Such materials can then be considered legal evidence, which can be acted upon. Though the Indian Evidence Act, 1872 is not strictly applicable to departmental enquiries, which are not judicial proceedings, nevertheless, the principles flowing therefrom can be applied in specific cases. Evidence tendered by witnesses must be recorded in the presence of the delinquent employee, he should be given opportunity to cross-examine the witnesses and no document should be relied on by the prosecution without giving copy thereof to the delinquent - all these basic principles of fair play have their root in such Act. In such light, the documents referred to in the list of documents forming part of the annexures to the chargesheet, on which the department seeks to rely in the enquiry, cannot be treated as legal evidence worthy of forming the basis for a finding of guilt if the contents of such documents are not spoken to by persons competent to speak about them. A document does not prove itself. In the enquiry, therefore, the contents of the relied-on documents have to be proved by examining a witness having knowledge of the contents of

such document and who can depose as regards its authenticity. In the present case, no such exercise was undertaken by producing any witness.

22. From the above referred observations, it is evident that the Enquiry Officer has duty to arrive at a finding upon taking into consideration the materials brought on record by the parties. The purported evidence collected during investigation by the Investigating Officer against the accused by itself could not be treated to be the evidence in the disciplinary proceeding. A decision must be arrived at on some evidence, which is legally admissible. No document should be relied on by the prosecution without giving copy thereof to the delinquent and the contents of such document have to be proved by examining a witness having knowledge of the contents of such document and who can depose as regards its authenticity.

23. In light of the above referred well settled principle of law, if we revert back to the facts of the present case, admittedly no such exercise was undertaken by the Enquiry Officer to examine any witness having knowledge of the contents of the documents on which the Enquiry Officer has placed reliance upon or any witness who can depose as regards the authenticity of such documents. Thus, it can safely be said that the

report of the Enquiry Officer was based on *ipse dixit* as also on surmises and conjectures.

24. As far as reliance placed on oral evidence of PW-1, PW-2 and PW-3 is concerned, since the allegation against the petitioner is of accepting illegal gratification, it is a settled law that the demand and acceptance or bribe must be proved. Therefore, let us examine whether such demand and acceptance has been proved by the Disciplinary Authority.

25. P.W. 1 was the complainant-Sunil Chopde, who in clear terms, has deposed that the demand was made by Shri D.T.Welturkar, Depot Manager. He further states that Shri Welturkar directed him to pay the amount to the petitioner as the house of the petitioner is closer to the house of Shri Chopde. He states that he, therefore, went to the house of the petitioner and handed over the amount to him and thereafter, CBI arrested the petitioner.

26. P.W. No.1, further deposed that he informed the CBI officers that the demand was made by Welturkar and on his directions only the amount was paid to the petitioner.

27. Therefore, from the above referred deposition of P.W. No.1-complainant, it is evident that nowhere in his deposition he stated about the demand made by the petitioner or payment of bribe amount against such demand made by the petitioner. It is further apparent that the amount was handed over to the petitioner on the direction of Shri Welturkar and not because of any demand made by the petitioner.

28. P.W. 2 is a shadow witness, who was present at the time of the trap conducted by CBI. In his deposition, he stated that he was not with the complainant when the amount was paid to the petitioner as he was roaming outside the house of the petitioner and therefore, he could not listen to any conversation between them. It is to be noted that PW-1 has corroborated it by stating that PW-2 was not with him.

29. It is thus clear from the evidence of PW-1 and PW-2 that none of them could establish or prove the demand even by preponderance of probabilities. The evidence is otherwise and it indicates that if there was any demand, it was made by Shri Welturkar and not by the petitioner. Interestingly, Shri Welturkar was not inflicted with the penalty of dismissal; rather, he was subjected to the punishment of reduction of his basic pay by one stage, with cumulative effect.

30. PW-3 is a panch witness, who does not speak about such a demand and therefore, he also does not support the case of the Disciplinary Authority, as regards demand.

31. Thus, we have no hesitation to hold that the Enquiry Committee has erroneously concluded that, the petitioner is guilty, having based its findings upon documents the contents of which were never duly proved by examining competent witness possessing knowledge thereof and capable of deposing to their authenticity. Furthermore, the oral evidence relied upon fails to establish, in any manner whatsoever, any demand or acceptance of a bribe.

32. In the aforesaid circumstances, it can safely be concluded that none of the charges levelled against the petitioner have been proved in the departmental enquiry. The findings recorded therein are not supported by any cogent evidence and, as observed herein-above, are founded merely on surmises and conjectures. Consequently, the impugned report cannot be sustained in the eyes of law.

33. Accordingly, we pass the following order :

- i) The Writ Petition is allowed.

- ii) The impugned order of rejection of appeal dated 09/01/2015, passed by respondent No.3 and the impugned order of dismissal dated 03/03/2014 passed by respondent No.4 and consequently the enquiry report dated 09/01/2014 given by respondent No.4 are hereby quashed and set aside.

- iii) The petitioner shall be entitled to all consequential benefits arising therefrom, subject to there being no other legal impediment in law.

The Rule is made absolute accordingly. In the circumstances, there shall be no order as to costs.

(RAJ D. WAKODE, J)

(ANIL S. KILOR, J)

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