

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9202 OF 2014

Santosh Kumar Mishra

.... Petitioner

VS

Union of India, through Secretary
and ors.

.... Respondents

Shri Santosh Kumar Mishra, petitioner present in person.

Mr. Y. S. Bhate with Mr. S.G. Thakur I/by Mrs. Neeta V.
Masurkar for respondents 1 and 2.**CORAM: ANOOP V. MOHTA AND
V. L. ACHLIYA, JJ.****DATE : June 24, 2015****ORAL JUDGMENT (Per Anoop V. Mohta, J.):**

Rule. Rule is made returnable forthwith. Heard finally
by consent.

2 We are inclined to dispose of the present petition as it is
against the order passed by the Central Administrative Tribunal
dated 2 May 2014 whereby the learned Member while rejecting
Original Application has observed as under :

“4 The applicant has alleged that the Inquiry Officer
did not give sufficient notice for the enquiry. Therefore,

the respondents are directed to give sufficient notice to the applicant regarding the date of enquiry as well as sufficient opportunity to the applicant to defend himself in the enquiry. The applicant will be at liberty to challenge the adverse final order, if any, which may be passed by the competent authority before the appropriate legal forum. All issues, including mala fide, are kept open to be agitated at the appropriate time and before the appropriate forum.”

3 Even otherwise the submission bias, malice and/or malafide, as recorded above, kept open so that the Petitioner can file on record before the concerned Inquiry Officer, with supporting material referring to the allegation so raised. The Inquiry Officer will deal with the same in accordance with law. The Petitioner never appeared before the Inquiry Officer. Therefore, unless a party appears and makes averments and raise issues, it is difficult for the Court to decide such averments which are based upon the facts and material. The same is beyond the scope of judicial review as rightly recorded by the Tribunal. Therefore, the judgment cited by the Petitioner appearing in person, in State of Punjab v. VK Khanna and ors., 2001 (2) SCC 330 is not applicable to the present case. So far as the law is concerned, there is no further discussion required. However, the allegations and the averments, eve if any, of bias, malice and/or malafide need to be adjudicated in detail by appropriate authority. Therefore, there is no case made out to

interfere with the order so passed.

4 The writ petition is dismissed. All points are kept open.
There shall be no order as to costs.

(V. L. ACHLIYA, J.)

(ANOOP V. MOHTA, J.)