

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10693 OF 2004**

Union of India and ors. .. Petitioners.
vs.
Balu Awdaji Bhawar .. Respondents.

Mr. Pranil Sonawane for the petitioners.
Mr. S.S. Karkera for respondent.

**CORAM: D.H. WAGHELA, C.J. AND
M.S.SONAK, J.
DATE : 17 MARCH 2016.**

P.C.:

1] The challenge in this petition is to the order dated 22 June 2004 made by the Central Administrative Tribunal (CAT) in Original Application No. 30 of 2004 instituted by the respondent-Balu Bhawar, quashing penalty imposed upon the respondent-Balu.

2] We have heard learned counsel for the parties and perused the record. The CAT has, in fact, relied upon the decision of this court in case of *Union of India & ors. Vs. Ashok Ganpatrao*¹, in which, this court, has taken the view that failure on the part of an employee to timely intimate his superiors with regard to his arrest, does not call for imposition of harsh penalty. In such circumstances, it cannot be said that the impugned judgment and order, by which, the penalty imposed upon the respondent has been quashed suffers from any jurisdictional error

¹ Writ Petition No. 1902 of 2003 decided on 29.8.2003

or legal infirmity warranting interference in the exercise of extraordinary jurisdiction under Articles 226 and 227 of the Constitution of India.

3] We may also note that the respondent was placed under suspension for considerable period during pendency of Criminal Case No. 168/P of 1994 in the court of Additional Chief Metropolitan Magistrate. The respondent was thereafter acquitted on 5 January 1999. Thereafter, the suspension was revoked and the respondent was reinstated. In these circumstances, it is not as if, the respondent has not suffered, on account of his prosecution.

4] At this point of time, therefore, we do not deem it appropriate to interfere with the impugned judgment and order. This petition is, therefore, dismissed. There shall be no order as to costs.

(CHIEF JUSTICE)

(M.S.SONAK, J.)