

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12399 OF 2018

Dr.C.R.Shivdikar ...Petitioner
vs.
Union of India & Ors. ...Respondents

Mr.Ramesh Ramamurthy with Saikumar Ramamurthy and Ms
Jayasree Pillai for the Petitioner
Mr.A.D.Shetty a/w Ms Anamika Malhotra for the
respondents

CORAM : RANJIT MORE AND
SMT.BHARATI H.DANGRE,JJ.
DATE : JULY 19, 2019

P.C.:

1 The petitioner subjected to disciplinary Inquiry by his employer has approached this Court challenging the order passed by the Central Administrative Tribunal by which the Original Application filed by him agitating rejection of his Bias Petition has been rejected. The petitioner working as Port Health Officer in Goa was placed under the deemed suspension in contemplation of Departmental Inquiry and charge sheet was issued to him on 31st March 2017. After responding to the said charges, Inquiry Officer came to be appointed and according to the petitioner the venue of the Inquiry was fixed as Mumbai. The petitioner addressed Bias Petition against the Inquiry Officer on 25th February 2018. On 10th May 2018, this Bias Petition/objections

to the Inquiry proceedings came to be rejected. Being aggrieved, he approached to the Central Administrative Tribunal.

2 We have heard Shri Ramamurthy for the petitioner and also perused the impugned order passed by the Central Administrative Tribunal. The Central Administrative Tribunal has taken into consideration the aspect that the objections/Bias Petition has already been rejected and the Inquiry Officer has categorically denied the allegations in Bias Petition. The Tribunal has observed that the alleged bias in the conduct of the Inquiry, denial of adequate notice to the applicant and shifting of the Inquiry venue can be raised before the Disciplinary Authority. The Tribunal also observed that the application is premature and based on mere apprehension that the Disciplinary Authority has already made up its mind on the matter.

3 We do not find any perversity in the order of the Tribunal and we concur with the view of the Tribunal since the petitioner has remedy to assail the final outcome of the Inquiry on the ground of Bias in the form of objections raised by him in regard to the conduct of the Inquiry. We are not inclined to interfere with the order of the Tribunal.

4 Resultantly, we dismiss the petition. Needless to say that we have not gone into merits of

the petition and all the contentions of the
petitioner are kept open.

(SMT.BHARATI DANGRE,J.)

(RANJIT MORE,J.)