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

WRIT PETITION NO. 11705 OF 2019

Peeyush Kamalkumar Pandey ..Petitioner
vs.
Union of India & ors. ..Respondents

.....
Mr. S.V. Marne for petitioner.
Mr. Neel Helekar a/w. Mr. A.A. Garge for respondents.
.....

**CORAM : RANJIT MORE &
M.S.KARNIK, JJ.**

DATE : 14th NOVEMBER, 2019

P.C.:-

Heard.

2. The petitioner was charged for violating Rule 3(1)(i), 3(1)(ii) and 3(1)(iii) of the Central Civil Services (Conduct) Rules, 1964 since he was found in possession of huge amount of cash of Rs.96,92,101/- and found in possession of assets disproportionate to his known sources of income to the tune of Rs.1,02,07,172/-. Along with the disciplinary inquiry criminal proceedings are going on.

3. The petitioner did not remain present in the inquiry proceedings which was preliminary in nature. The Inquiry Officer therefore proceeded ex parte and closed the inquiry and now the matter is pending before the Disciplinary Authority to take action against the petitioner.

4. At this stage, the petitioner approached the Central Administrative Tribunal ('CAT' for short). He relied upon the departmental instructions contained in the communication dated 24/2/2011 by the Central Board of Excise & Customs to the effect that even in ex parte inquiry the Inquiry Officer is duty bound to summon the witnesses and record the deposition.

5. Initially the Tribunal granted the stay to the proceedings before the Disciplinary Authority. However, by the impugned order stay is vacated mainly on the ground that the petitioner's application is premature and the petitioner is at liberty to raise his objection before the Disciplinary Authority.

6. Having considered the rival submissions of the respective counsel and having gone through the impugned order, we do not find any reason to interfere with the same. However, in order to protect the interest of the petitioner we direct that in the event of any order adverse to the petitioner by the Disciplinary Authority, same shall not take effect by 2 weeks from the communication to the petitioner thereof.

7. Subject to above, the Petition is disposed of.

(M.S.KARNIK, J.)

(RANJIT MORE, J.)

Diksha
Rane

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