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

WRIT PETITION NO. 3292 OF 2021

Shashikant Sharma

..Petitioner

VS.

Union of India & ors.

..Respondents

Mr. Ramesh Ramamurthy a/w. Mr. Saikumar Ramamurthy
for the petitioner.

Mr. T. J. Pandian a/w. Mr. Dheer Sampat for the respondent
– UOI.

**CORAM : DIPANKAR DATTA, CJ &
M. S. KARNIK, J.**

DATE : FEBRUARY 23, 2022.

P.C. :

1. Original Application No. 210/0050/2019 instituted by the petitioner before the Central Administrative Tribunal, Mumbai Bench, Mumbai, (hereafter "the Tribunal", for short) has been disposed of by the Tribunal by an order dated March 11, 2021, the operative part whereof reads as follows:

"4. Decision:

4(a). The orders of the Appellate Authority dated 27.11.2018 and Disciplinary Authority dated 26.06.2018 are set aside. Without expressing our opinion on the quantum of punishment to be awarded to the applicant, the Disciplinary Authority is directed to get conducted full inquiry into the charges against the applicant as per charge-memo issued on 01.11.2017 and after conclusion of such inquiry, pass a fresh

order of punishment for the applicant. This exercise should be concluded in four months from the date of receipt of a copy of this order.

4(b).With this, the O.A. is disposed of. No costs."

2. The said order is the subject matter of challenge in this writ petition at the instance of the original applicant before the Tribunal. He is aggrieved by only that part of the order whereby the Tribunal directed the respondents to pass a fresh order of punishment, upon conducting full inquiry into the charges and after conclusion of such inquiry,.

3. According to Mr. Ramesh Ramamurthy, learned advocate appearing on behalf of the petitioner, the Tribunal ought to have directed the respondents to pass a fresh order in accordance with law. He, accordingly, prays for suitable modification of the offending part of the operative order.

4. Mr. Pandian, learned advocate appearing for the respondents, submits that in terms of the order of the Tribunal, fresh inquiry has been conducted and the petitioner was found guilty by the Inquiry Officer. He further submits that the report of inquiry was submitted to the Disciplinary Authority, who, in turn, has forwarded the report to the petitioner for his comments. The comments have also been received and the proceedings are pending at the stage of passing of final order by the Disciplinary Authority. It is submitted by him that the Disciplinary

Authority would pass an appropriate order upon application of mind to the reply filed by the petitioner while countering the inquiry report.

5. Having heard learned advocate for the parties, we find no reason to keep this writ petition pending. The same stands disposed of at the admission stage by granting liberty to the Disciplinary Authority of the petitioner to pass such appropriate order as is warranted on facts and in the circumstances in exercise of the powers conferred on him by the Railway Servants (Discipline & Appeal) Rules, 1968, as expeditiously as possible.

6. In the event the order of the Disciplinary Authority is in any manner adverse to the interest of the petitioner, he shall be at liberty to explore his remedies as provided by law.

7. No costs.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)