

AGK

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

WRIT PETITION NO. 7248 OF 2021

Amitabh Sharma

...Petitioner

V/s.

Union of India & Ors.

...Respondents

Mr. Rahul Walia for the petitioner.

Ms. Anjali Helekar, with Mr. P. Khosla for the
respondent/Union of India.

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

DATE: JUNE 15, 2022

P.C.:

1. The petitioner is aggrieved by the order dated 27th September 2021 passed by the Central Administrative Tribunal, Bombay Bench, Mumbai (hereafter 'the Tribunal', for short), whereby a miscellaneous application (Miscellaneous Application No. 542 of 2018) filed by him in his original application (Original Application No. 210 of 2018) stood dismissed.

2. Shorn of unnecessary details, it is noticed that the petitioner was proceeded against departmentally by issuance of a charge-sheet. Such charge-sheet was challenged by the petitioner in the original application on the ground of inordinate delay. Initially, the Tribunal had granted an interim order; however, it was subsequently vacated on 4th October

2018. The miscellaneous application was filed by the petitioner seeking restoration of the interim order upon recalling of the order dated 4th October 2018. The impugned order, as noted above, has rejected the miscellaneous application.

3. It is claimed by Mr. Walia, learned advocate for the petitioner that he participated in the inquiry that followed 'under protest'.

4. We are informed by Ms. Helekar, learned advocate appearing for the respondents that the report of inquiry is awaited. We are also informed by Mr. Walia that the Tribunal has now fixed 2nd August 2022 as the date for final hearing of the original application.

5. In such view of the matter, we are of the considered opinion that no useful purpose would be served in examining the grievance of the petitioner in depth. Interest of justice would be sufficiently served if the parties are granted liberty to participate in the hearing fixed before the Tribunal on 2nd August 2022. The Tribunal is requested to decide the original application as early as possible, preferably by 31st August 2022, subject to its convenience.

6. We also grant liberty to the disciplinary authority to look into the report of the inquiry officer, if received in the meanwhile. In the event, the inquiry officer returns finding of guilt against the petitioner, the report may be forwarded to the petitioner seeking his comments. The petitioner shall be at liberty to furnish his comments without prejudice to his rights and contentions in the original application. However, it

would be desirable if the disciplinary authority stays his hands and does not pass any order of penalty against the petitioner till 31st August 2022 without obtaining the leave of the Tribunal.

7. The writ petition is disposed of accordingly. All contentions are left open. No costs.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)

PRAVIN
DASHARATH
PANDIT

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