

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

WRIT PETITION NO. 997 OF 2022

Harihar Anandrao Lambodari	}	Petitioner
versus		
Union of India and Ors.	}	Respondents

Mr. Vicky A. Nagrani for the petitioner.

Mr. R. R. Shetty with Mr. Prasenjit Khosla for
the respondents (UoI).

**CORAM: DIPANKAR DATTA, CJ &
V. G. BISHT, J.**

DATE : FEBRUARY 2, 2022

P.C.:

1. The petitioner by instituting an original application (Original Application No. 789 of 2021) challenged a charge-sheet dated 31st May 2021 before the Central Administrative Tribunal, Mumbai (hereafter "the Tribunal", for short) in December 2021. By the order under challenge dated 10th December 2021, the Tribunal refused to grant interim relief to the petitioner and adjourned the original application for final hearing till 12th January 2022. We are now informed that final hearing stands fixed on 8th March 2022 before the Tribunal.

2. The order dated 10th December 2021 is challenged by the petitioner on the ground that the Tribunal failed to notice that the said charge-sheet was served on the petitioner on the day he was demitting office and that too, after the send-off ceremony. It is also contended that the charge-sheet having

been issued by an incompetent authority, suffers from want of jurisdiction which the Tribunal failed to consider.

3. We find that the Tribunal considered the delay of 6 (six) months in approaching it as fatal for granting interim relief to the petitioner.

4. We are of the considered opinion that the Tribunal did not commit any error by refusing to grant interim relief taking into consideration the fact of delay in seeking urgent interim relief. The charge-sheet having been served on the petitioner on 31st May 2021, he ought to have approach the Tribunal with promptitude. Not having done so, he cannot expect exercise of discretion in favour to stall an on-going inquiry. There is, therefore, no reason to interfere with the order of the Tribunal. The writ petition stands dismissed without costs.

5. Since it is the allegation of the petitioner that the charge-sheet was served on him after the send-off ceremony and that his retiral benefits are withheld due to pendency of disciplinary proceedings, we would request the Tribunal to make an earnest endeavor to take up the original application for final hearing on the date fixed, i.e., 8th March 2022. For facilitating expeditious decision on the original application, we grant liberty to the respondents to file their reply affidavit to the original application by 1st March 2022; rejoinder thereto, if any, may be filed by 4th March 2022.

6. The Tribunal shall proceed to decide the original application uninfluenced by dismissal of this writ petition.

SALUNKE
J V

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(V. G. BISHT, J.)

(CHIEF JUSTICE)