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

WRIT PETITION NO. 10246 OF 2018

Govind Narayan Deshpande

....Petitioner

V/s.

The Collector of Customs (Prev.)
and Ors.

...Respondents

Mr. Nitin Deshpande for Petitioner.

Ms. Neha Bhide – AGP for State.

Mr. J.B. Mishra for Respondents.

CORAM : K.R. SHRIRAM &

A.S. DOCTOR, JJ.

DATED : 13th SEPTEMBER 2022

PC. :

1. Petitioner is a retired Customs Officer. During his career, petitioner received Commendation Certificates and Appreciation Letters. During the course of his career, in the year 1988 petitioner received from various informants reliable information that there was contraband gold, silver and wrist watches being transported through an Arab Dhow off Vengurla, Light House (Lal Batti), a minor port in the west coast of Maharashtra. Based on the said information, the said Arab Dhow was intercepted and after completion of post seizure formalities the Arab Dhow was handed over to the Goa Customs staff of the Marmagoa Harbour. It is petitioner's case that it is due to petitioner's effort that the contraband on the said Arab Dhow was seized. According to petitioner, seizure included 1800 gold biscuits with foreign markings weighing 18,000 tolas and valued Rs.6.57 Crores.

2. Petitioner has claimed reward as per policy of the Ministry of Finance and Revenue, Union of India. As per policy issued on 13th April 1989, government servants were eligible for total reward not exceeding Rs.10 Lakhs during their entire career. Admittedly, petitioner has received Rs.10 Lakhs during his entire career.

3. In the year 2004, the limit was enhanced to Rs.15 Lakhs. Petitioner, therefore approached respondent to be rewarded further sum of Rs.5 Lakhs which has been rejected. Petitioner, therefore has filed this petition seeking Writ of Mandamus against respondent to grant him reward for the seizure effected on 11th September 1988.

4. In our view, petitioner is not entitled to relief as prayed for. The communication impugned by petitioner is dated 24th August 2017 and it reads as under “

I am directed to refer to your letters dated 21.04.2017 and 05.08.2017 addressed to the Chairperson, CBEC regarding the above mentioned subject.

2. In this context, please refer to your meetings with the officers of Mumbai Preventive Commissionerate and later with the undersigned and Commissioner (RI&I), CBEC.

3. In continuation of the explanation provided to you in the said meetings, it is reiterated that reward in the subject case was not granted to you due to the fact that prior to the grant of advance and final reward in the case in October 1989 and December 1992 respectively, you had already crossed the reward limit of Rs.10 Lakh which was imposed vide Ministry' reward instructions issued vide F.No. R13011/5/89, Ad.V dated 13.04.1989 (“no Government servant will be paid rewards exceeding Rs.10 Lakhs in his entire career”).

4. The amount of Rs.38,000 sanctioned to you vide interim reward sanction order dated 03.10.1989 was not disbursed to

you as the said interim reward sanction order clearly mentioned that “as per Ministry’s instructions contained in F No. R13011/5/89, Ad.V dated 13.04.1989, no officer shall be paid reward exceeding Rs.10 Lakhs in his service career. As such in case he has already received an amount of Rs.10 Lakhs or if amount of reward already received by him if added with the amount sanctioned in the order exceeds Rs.10 Lakhs, he should immediately inform the same to this office”.

5. Further, the reward limit was enhanced from Rs.10 Lakh to Rs.15 Lakh by the Board only in 2004 and the same was applicable with prospective effect (not retrospectively) as clarified in Board’s letter No.13011/06/2001-Cus(AS) dated 07.12.2004 “... in respect of any reward proposal, taken up for consideration on or after 16.04.2004, the revised ceiling shall be applicable, even if the proposal pertains to a case detected before that date and the proposals taken up for consideration and finalized before 16.04.2014 need not be reopened.”

6. In view of the above, it is again clarified that your request for grant of reward in the instant case cannot be considered as there are no provisions in the reward guidelines for the same.

(emphasis supplied)

5. The board’s letter is not annexed to the petition. At the same time, it is not denied in the petition that such a letter has been issued. If we go on the basis of what petitioner has stated in the petition, then nothing stops petitioner to approach this court every time the reward limit is enhanced.

6. Petitioner has been paid reward amount as it was applicable at the relevant time. Therefore, we see no reason to interfere.

7. Petition dismissed.

(A.S. DOCTOR, J.)

(K.R. SHRIRAM, J.)