

57.
12.10.2023
S.D.

W.P.A. 7847 of 2023

Rambhau Punjali Pawar
Vs.
Union of India & Ors.

Mr. Achin Kumar Majumder
Ms. Ananya Adhikary

...For the Petitioner

Mr. Pradip Kumar Das
Ms. Sayani Roychowdhury

....For the U.O.I.

Mr. Majumder, learned counsel appearing on behalf of the petitioner submits that after almost 23 years Memorandum of Charges has been issued against the petitioner on December 27, 2022. He prays for quashing of the said charges.

The purported incident relating to which the Memorandum of Charges was issued took place in 1999. Between 1999 and 2022, the petitioner has been promoted twice. It is admitted that the activities were noted to be suspicious against the petitioner in 2011 by the under Secretary, Home Department, Madhya Pradesh. A copy of the Police Report was sent by him to DD (Vigilance).

Thereafter, the Deputy Director, Vigilance after a decade recommended disciplinary action against the

petitioner. A show-cause was issued in August 2020 and the petitioner replied to such show-cause in September 2020. After more than two years in December 2022, Memorandum of Charges was issued against the petitioner.

The petitioner replied to the said Memorandum of Charges. After that no further proceedings were taken against the petitioner and the petitioner has been allowed to superannuate from service on September 30, 2023.

Considering the aforesaid facts and the written instructions handed over in Court today which are retained with the records, this Court is of the view that the *Charges* against the petitioner were *stale* ones. No explanation has been given for such inordinate delay.

The petitioner has also been allowed to superannuate from service.

Accordingly, the Memorandum of charges dated December 27, 2022 is set aside and/or quashed. A beneficial reference may be made to a judgment reported in 1990 (Supp) SCC 738 (**State of Madhya Pradesh vs. Bani Singh & Anr.**)

The petitioner will be eligible to pray before the appropriate authorities for his retiral dues in accordance with law.

With the directions aforesaid, **W.P.A. 7847 of 2023** is **disposed of**.

All parties shall act on the server copy of this order duly downloaded from the official **website** of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)