

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.268 OF 2020
IN
REJECTED CASE NO.1646 OF 2019
IN
WRIT PETITION (STAMP) NO.32927 OF 2017

Union of India	Applicant
IN THE MATTER BETWEEN	
Union of India	Petitioner
V/S	
Krishna Chandra Singh	
Chief Commissioner	
Custom & Central Excise (Retd) & Anr.	Respondents

WITH
WRIT PETITION (STAMP) NO.32927 OF 2017

Union of India	Petitioner
V/S	
Krishna Chandra Singh	
Chief Commissioner	
Custom & Central Excise (Retd) & Anr.	Respondents

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Mr. Subir Kumar for the Applicant/Petitioner-UOI.
Mr. L.S. Shetty i/b M/s. L.S. Shetty & Associates for Respondent.

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**CORAM: S.V. GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATE : 10 MARCH 2023.

P.C.:

INTERIM APPLICATION:

1 Heard the learned Counsel for the Applicant-UOI and the learned
Counsel for the Respondent.

2 For the reasons stated in the Interim Application, the Interim Application is allowed.

3 The Writ Petition is restored to original position.

4 The Interim Application is disposed of.

WRIT PETITION

1 The Petitioner assails the order of the Central Administrative Tribunal directing inspection of CBI report and supply of documents relied upon in the Charge Memo apart from those already furnished.

2 We have heard the learned Advocate for the Petitioner and the learned Advocate for the Respondents.

3 Paragraphs 10 to 13 of the judgment of the Tribunal reads thus:

“10 Learned counsel for the respondents would admit that the applicant would have an opportunity to inspect all the documents including the CBI Report at the time of enquiry and he would be in a position to formulate his defence before the I.O. on that basis. If this is the case, we do not see how the interests of the respondents would in any way be compromised, if the inspection is allowed before the inquiry commences, especially if the applicant's apprehension that the statements of some of the witnesses who had deposed in his favour had not been relied upon by the CBI and it was a deliberate attempt to malign him around the time of his superannuation had no basis as contended by the respondents.

11 It is clear that allowing the applicant to inspect the documents at this stage would not prejudice the case of the respondents but enable them to take an objective view on whether to proceed with the enquiry or drop it based on facts which the applicant might be able to draw their attention to after inspecting the records.

12 In view of the above, we direct the respondents to allow the applicant to inspect all the documents relied upon as also the CBI report as the CBI in any case, would need to be consulted with respect to any proposal to drop the proceedings. In case, a copy of any document relied upon in the Charge Memo has already not been furnished to the applicant, the same shall also be provided to him to facilitate the submission of his written statement. This exercise shall be completed within a period of two months from the date of receipt of copy of this order.

13 Once the written statement of defence is submitted in the aforesaid manner, the respondents shall be at liberty to take a decision on further inquiry. It is clarified that we have not gone into the merits of the contentions raised by the applicant in this O.A.”

4 The Tribunal has observed that the present Petitioner had admitted that at the time of enquiry the present Respondent will have every opportunity to inspect the CBI report. The Tribunal observed that if during the enquiry the present Respondent is entitled to inspect the CBI report then it would be proper if he is given inspection before filing of Written Statement. We do not find any perversity in the said observations. It is also observed that in case of copy of any document relied upon in the Charge Memo has already not been furnished then the same be also provided to facilitate the submission of Written Statement. The order passed by the Tribunal does not suffer from perversity. In view of that, no case for interference is made out. The Writ Petition is disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)