IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11076 OF 2025

Suresh Tekwani .. Petitioner

Versus

Union of India & Ors. .. Respondents

...

Mr. Jose Pulikkoden a/w Steve Pulikkoden, Noor Jehan Sheikh and Nidhi Jain, Advocates for the petitioner.

...

CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.

DATE : 10th SEPTEMBER 2025.

P.C. :

This writ petition has been filed to challenge the interim order dated 2nd December 2024 passed in Original Application No.1089 of 2024 by the Central Administrative Tribunal, Mumbai.

2. On a glance at the order dated 2nd December 2024, it can be easily gathered that the main grievance projected on behalf of the petitioner was to the applicability of the Central Civil Services (Pension) Rules, 2021 [in short, CCS (Pension) Rules, 2021] while he was issued a Charge Memo and facing the Disciplinary Enquiry since the year 2009.

3. We have heard Mr. Jose Pulikkoden, the learned counsel for the petitioner on other aspects of the matter, such as, the alleged compulsion of the Inquiry Officer to record a finding holding the charges are proved against the petitioner and the wrong findings recorded by the Tribunal under paragraph no.6 of the order dated 2nd December 2024 to the effect that the statement of the Charged Officer under Rule 14(18) of the Central Civil Services (Classification, Control

and Appeal) Rules, 1965 [in short, CCS (CCA) Rules, 1965] was not recorded.

4. On 17th August 2007, a crime was registered by the Central Bureau of Investigation vide RC No. 24(A)/2007-Mumbai under section 13(2) read with section 13(1)(e) of the Prevention of Corruption Act, 1988 against the petitioner who was holding the post of Deputy Commissioner of Income Tax. On 25th August 2009, the petitioner was informed through Memorandum No.F.No.C-14011/14/2009-V&L of the Government of India, Ministry of Finance that the President has proposed to hold the inquiry against him for possessing assets disproportionate to his known sources of income and the Additional CIT, Pune was appointed as Inquiring Authority. In course of the inquiry, witnesses were examined and the stand taken by the petitioner that he was not accorded sufficient opportunity to cross-examine the witnesses was found not correct. A copy of the Inquiry Report has been tendered in the Court by Mr. Jose Pulikkoden, the learned counsel for the petitioner and, on a glance thereof, we find that the findings on the charges framed against the petitioner have been recorded by the Inquiry Officer.

5. In the aforesaid factual background, we have considered the submissions of the learned counsel for the petitioner that the powers under the CCS (Pension) Rules, 2021 could not have been invoked by the competent Authority to award punishment of forfeiture of 20% pension. The CCS(CCA) Rules, 1965 provide the procedure for conduct of the Disciplinary Enquiry against a government employee. The provisions thereof lay down the procedure to be followed in the domestic inquiry against the delinquent government employee and some infraction of such procedure shall not vitiate the domestic inquiry against the delinquent government employee. This is well

settled that a disciplinary enquiry initiated against the delinquent government employee on his attaining the age of superannuation shall be converted into one under the Pension Rules.

6. The petitioner nowhere states how prejudice has been caused to him because CCS (Pension) Rules, 2021 was applied in his case and not the Central Civil Services (Pension) Rules, 1972 which was applicable when he was in service. The learned counsel for the petitioner referred to a communication dated 28th June 2024 at page nos. 129 to 133 of the paper-book to support the stand taken by the petitioner. We find from the record that by an Office Memorandum dated 7th July 2022, the petitioner was given an opportunity of making his representation on both IO's reports and tentative view of the Disciplinary Authority on IO's reports. The petitioner submitted his representation by a letter dated 11th August 2022. The Disciplinary Authority rejected the petitioner's representation and made a reference to Union Public Service Commission (in short, UPSC) for its statutory advice. On 15th January 2024, the UPSC has tendered its advice vide F.3/413/2022-S.I wherein it recommended permanently withholding of 20% of the petitioner's monthly pension. The petitioner was granted an opportunity to submit the objections which he did so on 18th April 2024. Those objections were duly considered and thereafter the Disciplinary Authority passed the penalty order dated 25th June 2024 under Rule 8(2) of the CCS (Pension) Rules, 2021. The communication dated 28th June 2024 was issued at the time when the petitioner was in service. After he superannuated from service, new pension rules came into force and that has been applied in his case. This is not the case set up by the petitioner that the competent Authority has no power and jurisdiction to pass an order forfeiting 20% pension allowed to him. As to

recording of the statement of the Charged Officer, we find that witnesses were examined in his presence and he cross-examined them. The petitioner had full knowledge of the charge framed against him and the evidence produced by the Department against him. In our opinion, no prejudice has been caused to the petitioner even if his statement was not taken allegedly under Rule 14(18) of the CCS (CCA) Rules, 1965. At the time when the Inquiry Report was submitted on 30th May 2022, the CCS (Pension) Rules, 2021 had come into force.

7. Writ Petition No.11076 of 2025 is dismissed.

[GAUTAM A. ANKHAD, J.] **[CHIEF JUSTICE]**