



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**WRIT PETITION NO.1131/2025**

(The Union of India and others Vs. Shri Dilip S/o Vishwanath Gondnale)

Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

Ms. Mugdha Chandurkar, Advocate for the petitioners.  
Mr. M.G. Burde, Advocate for the respondent.

**CORAM: NITIN W. SAMBRE & MRS.VRUSHALI V. JOSHI, JJ.**  
**DATED: 8.5.2025.**

Heard.

2. The challenge is to the order dated 24.11.2023 passed in Original Application No.2209/2019 by the Central Administrative Tribunal, Mumbai Bench, Mumbai. Vide impugned order, the Tribunal has allowed the original application preferred by the respondent Central Government officer wherein the challenge was to the order dated 30.1.2019 wherein the punishment of censure was awarded.

3. We won't delve into the facts of the case in hand as those are appropriately considered by the Tribunal in the impugned order.

4. Apart from above, on facts, there is no dispute that the respondent employee stood superannuated on 31.1.2019 and being a Member of Selection Committee which has conducted selection process in the meeting dated 17.4.2006 selecting candidates for the posts of Deputy General Manager (Systems and Co-ordination) and others, the respondent employee came to be chargesheeted and the punishment of censure is imposed.

5. The fact remains that the punishment is imposed against the respondent employee on 31.1.2019. The event is of 2006. The Tribunal has drawn support from the provisions of Rule 9 of the Central Civil Services (Pension) Rules.

6. The learned Advocate for the petitioners has invited our attention to Rule 16 which provides for procedure to be adopted in the matter of imposition of minor penalties. According to Ms. Chandurkar, learned Advocate for the petitioners, it is not in dispute that the nature of the penalty imposed on the respondent employee is a minor penalty and that being so, Rule 16 will be attracted and not Rule 9.

7. As against above, learned Advocate appearing for the respondent would support the impugned order claiming that not only on the applicability of Rule 9 but even on merits the Tribunal has allowed the application.

8. We have considered the rival claims.

9. If we peruse Rule 9, it is clear that same lays down procedure to withhold or withdraw the pension. Sub-rule (6) of Rule 9 prescribes that the departmental proceedings can be deemed to be instituted on the date on which the statement of charges is issued to the Government servant or pensioner. It is admitted position on record that the respondent employee stood retired on 31.1.2019.

10. In the case in hand, we are informed that the statement of charges was issued to the respondent on the date of the retirement i.e. 31.1.2019 for an alleged misconduct of 17.4.2006.

11. The fact remains that Rule 9(b)(ii) provides that the departmental proceedings cannot be initiated for an event which took

place more than 4 years before such institution. Admittedly, institution of proceedings by tendering statement of charges to the respondent employee is on 31.1.2019 in relation to an event of 2006 to be more precise on 17.4.2006.

12. That being so, the Tribunal has rightly held that the departmental proceedings initiated against the respondent officer are not maintainable.

13. As far as the contention raised by the petitioners that Rule 16 shall be attracted in the case in hand is concerned, we are sensitive to the fact that Rule 16 only provides for procedure in case of imposition of minor penalty whereas Rule 9 is the governing rule *qua* the disciplinary proceedings to be initiated against the officer of the Central Government. Rightly so, the Tribunal has drawn support from Rule 9. That being so, no case is made out for interference in the extraordinary writ jurisdiction. The petition stands dismissed. No costs.

(MRS.VRUSHALI V.JOSHI, J.)

(NITIN W. SAMBRE, J.)