

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8169 OF 2016

UNION OF INDIA

...APPELLANT(S)

VERSUS

WILLIAM BASTYON MIRANDA & ORS.

...RESPONDENT(S)

WITH

CIVIL APPEAL NO.4515 OF 2017

AND

SPECIAL LEAVE PETITION (C) NO.9803 OF 2025
(@ DIARY NO.38427 OF 2017)

J U D G M E N T

C.A. NO.8169 OF 2016 & C.A. NO.4515 OF 2017

1. These two appeals being interconnected, were heard together and are being disposed of by this common judgment.

2. The short facts giving rise to the present appeals are that: -

2.1 The respondent No.1 - William Bastyon Miranda was an employee of the Department of Telecommunication (hereinafter referred to as "DoT") and was sent on deputation to Bharat Sanchar Nigam Limited (hereinafter referred to as "BSNL") on 01.10.2000.

2.2 It appears that a C.B.I. inquiry was held against the respondent No.1 at the instance of the DoT and the C.B.I. submitted the report on 30.08.2010 about the irregularities allegedly made by the respondent No.1 in the purchase of

computers and software during the period 2001-2003. On the receipt of report from C.B.I., the DoT sought an advise from the Central Vigilance Commission and the same was received on 01.04.2011.

2.3 It further appears that under the circumstances, the BSNL, Maharashtra Circle placed the respondent No.1 under suspension on 25.05.2011 assuming that the respondent No.1 was already absolved in BSNL. However, the said mistake having been noticed, a fresh suspension order dated 27.05.2011 was issued by the competent Disciplinary Authority of DoT, i.e., Member (Services). Just about four days thereafter, i.e., on 31.05.2011, the respondent No.1 retired on attaining the age of superannuation.

2.4 Since the respondent No.1 had challenged his suspension order dated 25.05.2011 before the Appellate Authority of BSNL, the same was rejected on 06.07.2011. The respondent No.1 challenged the said order dated 06.07.2011 before the Central Administrative Tribunal (hereinafter referred to as "CAT") by filing O.A. No.614 of 2011. In the meantime, the respondent No.1 was served with the Charge Sheet under sub-clause (i) of Clause (b) of Sub-clause (2) of Rule 9 of Central Civil Services (Pension) Rules, 1972.

2.5 The CAT vide the order dated 26.07.2012, quashed and set aside the impugned orders dated 25.05.2011 and 06.07.2011 in O.A. No.614 of 2011. The respondent No.1 had also filed another O.A. being No.483 of 2012 before the CAT challenging the issuance of Charge Sheet dated 20.07.2012.

2.6 The DoT filed a Writ Petition No.117 of 2013 before the High Court of Bombay challenging the order dated 26.07.2012 passed by the CAT. In the meantime, the CAT had also quashed the Charge Sheet dated 20.07.2012 in O.A. No.483 of 2012, vide the order dated 03.07.2014. The DoT also challenged the order dated 03.07.2014 before the High Court of Bombay by filing Writ Petition No.7386 of 2015. The BSNL also filed a Writ Petition being No.3058 of 2015 before the High Court of Bombay challenging the order dated 26.07.2012 passed by the CAT in O.A. No.614 of 2011.

2.7 The Writ Petition No.117 of 2013 came to be dismissed by the High Court vide the order dated 30.03.2016, and the Writ Petition No.7386 of 2015 came to be dismissed vide the order dated 29.04.2016.

2.8 The appellants - Union of India filed Civil Appeal No.8169 of 2016 before this Court challenging the impugned order dated 30.03.2016 passed by the High Court in Writ Petition No.117 of 2013 and also filed Civil Appeal No.4515 of 2017 challenging the impugned order dated 29.04.2016 passed by the High Court in Writ Petition No.7386 of 2015. The BSNL also filed a SLP being Diary No.38427 of 2017 challenging the impugned judgment and order dated 30.03.2016 passed by the High Court in Writ Petition No.3058 of 2015 filed by it before the High Court.

3. Heard learned counsel for the parties.

4. It may be noted that the aforesaid facts have not been disputed by any of the parties. Hence, the only question that falls for consideration before this Court is with regard

to the interpretation of the Rule being Rule 9 of the Central Civil Services (Pension) Rules, 1972. The same is reproduced as under: -

"9(2) (b) The Departmental proceedings, if not instituted while Government servant was in service, whether before his retirement, or during his reemployment, -

(i) shall not be instituted save with the sanction of the President;

(ii) shall not be in respect of any event which took place more than 4 years before such institution, and

(iii) shall be conducted by such authority and in such place,

(ii) shall not be in respect of any event which took place more than 4 years before such institution, and as the President may direct and in accordance with the procedure applicable to the departmental proceedings in which an order of dismissal from service' could be made in relation to the Government servant during his "service."

5. From a bare reading of the aforesaid Rule, it clearly transpires that no departmental proceedings could have been instituted against any Government servant, whether before his retirement or during his re-employment, in respect of any event, which had taken place four years before such institution. So far as the facts of the present case are concerned, the alleged incident of irregularities made by the respondent No.1 in the purchase of computers and software, were allegedly made during the period of 2001-2003, whereas

the respondent No.1 was placed under suspension in May, 2011, on the DoT having received the C.B.I. report in respect of the said irregularities.

6. Under the circumstances, it clearly transpires that the departmental proceedings were instituted by the appellants almost 10 years after the alleged incident took place and more than four years before the institution of the proceedings against the respondent. The CAT and the High Court having considered the said Rules, and the Charge Sheet issued by the appellants, being in violation of the said Rule 9 of the Rules, we do not find any illegality or infirmity in the impugned order passed by the High Court.

7. In that view of the matter, appeals being devoid of merits are dismissed.

SPECIAL LEAVE PETITION (C) NO.9803 OF 2025
(@ DIARY NO.38427 OF 2017)

1. Delay condoned.

2. In view of the order passed in the connected appeals, i.e., C.A. NO.8169 OF 2016 & C.A. NO.4515 OF 2017, the Special Leave Petition also stands dismissed.

3. Pending application(s), if any, shall stand disposed of.

.....J.
(BELA M. TRIVEDI)

.....J.
(PRASANNA B. VARALE)

NEW DELHI;
03RD APRIL, 2025.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSCivil Appeal No(s).8169/2016

UNION OF INDIA

Appellant(s)

VERSUS

WILLIAM BASTYON MIRANDA & ORS.

Respondent(s)

WITH

C.A. No. 4515/2017 (III)Diary No(s). 38427/2017 (IX)(FOR ADMISSION and I.R. and IA No.130717/2017-CONDONATION OF DELAY
IN FILING)

Date : 03-04-2025 This appeal was called on for hearing today.

CORAM : HON'BLE MS. JUSTICE BELA M. TRIVEDI
HON'BLE MR. JUSTICE PRASANNA B. VARALEFor Appellant(s) : Mr. Pavan Kumar, AOR
Mr. Rajesh Kumar, Adv.

Mr. Amrish Kumar, AOR

Mrs. Archana Pathak Dave, A.S.G.
Mr. Sudarshan Lamba, AORFor Respondent(s) : Mr. Anil Kumar Mishra, Adv.
Mr. Rameshwar Prasad Goyal, AORMr. Rajesh Kumar, Adv.
Mr. Pavan Kumar, AORUPON hearing the counsel the Court made the following
O R D E RC.A. NO.8169 OF 2016 & C.A. NO.4515 OF 2017

1. Leave granted.
2. In terms of the signed Judgment, the Civil Appeals are dismissed.
3. Pending application(s), if any, shall stand disposed of.

SPECIAL LEAVE PETITION (C) NO.9803 OF 2025
(@ DIARY NO.38427 OF 2017)

1. Delay condoned.
2. In view of the order passed in the connected appeals, i.e., C.A. NO.8169 OF 2016 & C.A. NO.4515 OF 2017, the Special Leave Petition also stands dismissed.
3. Pending application(s), if any, shall stand disposed of.

(RAVI ARORA)
COURT MASTER (SH)

(MAMTA RAWAT)
ASSISTANT REGISTRAR
(signed Judgment is placed on the file)