

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

LD-VC-CW NO. 17 OF 2020

Col.Ivan Singh s/o late Shri Kanwar Samsheer Singh
vs.
Union of India and others

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

Court's or Judge's orders

Shri. M. M. Sudame and Shri.A.M.Sudame counsel for petitioner.
Shri. U. M. Aurangabadkar, ASGI, for respondents No.1 to 4.

CORAM : MANISH PITALE J.

DATED : 30/04/2020

Hearing was conducted through video conferencing. The learned counsel appearing for the parties stated that the audio and video quality was proper.

2. Heard learned counsel for the petitioner. The main grievance of the petitioner in the present writ petition is that enquiry instituted against him was a result of bias and malafide on the part of the respondent and that the procedure of enquiry was defective. It is submitted that the show-cause notice dated 16/04/2020 issued against the petitioner under Rule 14 of the Army Rules 1954 is also defective to the extent that crucial documents referred to in the enquiry proceeding have not been supplied along with the show-cause notice. It is submitted on behalf of the petitioner that only truncated

record of the enquiry proceeding has been supplied, due to which it is not possible for the petitioner to file a detailed reply to the show-cause notice.

3. It is brought to the notice of this Court that by communication dated 18/04/2020, the petitioner has already brought to the notice of respondent No.3 that certain crucial documents and copies have not been served due to which the petitioner is unable to file detailed and appropriate reply to the show-cause notice. It is also stated in reply that due to the Covid-19 crisis engulfing the nation, it is difficult for the petitioner to respond comprehensively to the show-cause notice.

4. In view of the above, issue notice, for the present, to respondent Nos. 1 to 4, returnable **in 08 weeks**. Shri. Aurangabadkar, learned ASGI, waives notice for respondents No.1 to 4. He is requested to take instructions on the grievance raised by the petitioner regarding non-supply of documents in his communication dated 18/04/2020 and to instruct the concerned respondent to ensure that all relevant and necessary documents are served on the petitioner.

5. In the meanwhile, the respondent Nos.1 to 4 shall not pass any adverse order against the petitioner in pursuance of the show-cause notice dated 16/04/2020.

JUDGE