

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O.A.385/2013

Date of order : 26.4.21

Coram : Hon'ble Mrs. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee; Administrative Member

1. Anowara Begum, widow of Late Md. Nowsad Molla aged About 56 years, Occupation-Housewife, residing at village Pubar, P.O. Pandak, P.S. Ausgram, Dist. Purba Bardhaman, Pin – 713132;
2. Rahena Khatun, wife of Golam Nabi, Aged about 34 years, Occupation-Housewife, residing at Village-Shanbaha, P.O. Bondar, P.S. Nanur, District-Birbhum, Pin-731215;
3. Anjumanara Khatun, wife of Sk. Sanour Ali, Aged about 33 years, Occupation-Housewife, Residing at village-Pubar, P.O. Pandak, P.S. Ausgram, District-Purba Bardhaman, Pin-713152

.....Applicants

- V E R S U S -

1. Union of India through the General Manager, Eastern Railway, 17, N.S. Road, Kolkata-700 001;
2. The Chief Personnel Officer, Eastern Railway, 17, N.S. Road, Kolkata – 700 001;
3. The Senior Divisional Engineer(2), Eastern Railway, Howrah Division, Howrah;
4. The Assistant Engineer, Eastern Railway, Bardhaman, Dist. Burdwan, West Bengal

.....Respondents

For the applicant : Mr. S.K. Datta, counsel

For the Respondents : Mr. A.K. Guha, counsel

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ORDER

Bidisha Banerjee, Judicial Member

Ld. counsels were heard.

2. This application has been preferred to challenge the legality and propriety of a charge sheet, penalty order and appellate order. The reliefs sought for are as under:-

- "a) An order quashing and/or setting aside the Memorandum of charge sheet dated 25.11.09 and the entire proceedings held thereunder;
- b) An order quashing and/or setting aside the departmental inquiry and the order of penalty dated 22.11.2011;
- c) An order quashing and/or setting aside the order of the Appellate Authority dated 26.9.2012;
- d) An order directing the respondents to grant all consequential benefits to the applicant including all monetary benefits;
- e) An order directing the respondents to produce/cause production of all relevant records;
- f) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."



3. The original application was filed by the employee Md. Nowsad Molla in the year 2013. During pendency of the original application the said Nowsad Molla passed away on 7th August, 2019. His widow has been allowed to step into his shoes by an order dated 20.12.2019 in M.A.697 of 2019.

4. **FACTS**

Md. Nowsad Molla was charge sheeted vide Memorandum dated 08.09.2007 (Annexure A-2) wherein both the list of documents and the list of witnesses were left blank and the following was written :-

- 1. Habitual absent
- 2) Service Record and
- 3) Leave Sheet

On the basis of the aforesaid proceeding the original applicant was removed from service vide order dated 20.05.2008(Annexure A/3). Assailing the said order of removal he filed O.A.No.138 of 2009 before this Tribunal. The O.A. was disposed of vide order dated 22.06.2009(Annexure A/4), directing the original applicant to forward his appeal to the appropriate authority, and the Appellate Authority to consider and dispose of the appeal within a time frame of three months and to communicate the decision to the applicant. The Appellate Authority disposed of the appeal of the original applicant by its order dated 30.10.2009(Annexure A/5), which read as follows:-



"It is therefore, advised that the enquiry against the CO may be conducted by issuing a fresh Charge Sheet and the enquiry may be conducted with a view to provide all reasonable opportunities to the CO. Disciplinary Authority is also advised to pass a speaking order."

Thereafter a fresh charge sheet dated 25.11.2009(Annexure A/6) was served on the original applicant. In that charge sheet two witnesses were named. The original applicant after receipt of the said charge sheet submitted his defence brief dated 30.12.2009. He was served with an Enquiry Report dated 05.07.2010(Annexure A/8). In the said report it was inter alia observed that on 25.06.2010 during prosecution enquiry the charged official submitted medical certificate as proof. The charged official also stated that after being medically fit for duty since 18.11.2007 he attended before SSE/PW/BWN(W) for resumption but he was not allowed. All prosecution statements have been recorded in writing and signed by the charged official with duly attached medical certificates(photocopies) as submitted by him. The Enquiry Officer in

his finding noted that the charged official had failed to prove any valid reason for not informing his immediate superior about his absence and the medical certificates submitted by him were inconsistent and accordingly held the charges as established. Thereafter the original applicant submitted his representation dated 26.07.2011(Annexure A/10) wherein he specifically stated that he was not provided all reasonable opportunities to defend his case and also raised other grounds. He was served with the order of removal dated 22.11.2011 (Annexure A/11). He was removed from service alleging that he had failed to prove the reason for absenting himself from his duty since 29.08.2005 to 17.11.2007. The allegations against the original applicant, Md. Nowsad Molla, Ex-Trackman under article of charges, were found established as per report of the Enquiry Officer and finally the punishment of removal from railway service, as imposed on him earlier, was held as "stand good".

5. THE LEGAL LACUNAE IN PROCEEDINGS AS ALLUDED BY THE APPLICANT

- (i) That, during enquiry, none of the witnesses were examined nor allowed to be cross-examined which is in violation of principles of natural justice;
- (ii) That, the Enquiry Officer himself admitted that the SSE/PW/BWN(W) did not attend the enquiry but the documents tendered by him were relied upon without affording any opportunity to the original applicant of cross examination;
- (iii) That the grounds regarding denial of reasonable opportunities, were not considered;



(iv) That, in his order the Disciplinary Authority observed that there was a doubt on his integrity to Railway Administration, which was not the allegation against the original applicant and thus the Disciplinary Authority traversed beyond the allegations levelled in the charge sheet, which is not permissible;

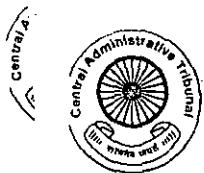
(v) The order dated 22.11.2011 upholding the earlier removal order dated 20.05.2008 based on the earlier charge sheet and the proceeding, describing the original applicant as Ex-Trackman would not be sustained as the earlier removal order stood quashed. As such, the Disciplinary Authority's actions were totally arbitrary;

(vi) The appeal, preferred on 05.11.2012, was rejected by order dated 26.09.2012 introducing new facts and without considering the grounds stated by the original applicant in his appeal vide Annexure A/13.

6. To bring home the allegations or grounds of challenge, at hearing, Ld. counsel for the applicant would cite the following decisions:-

(i) In **M.V. Bijlani vs. Union of India & Ors. (2006) 5 SCC 88**, *inferences were drawn by enquiry officer though no specific charge was framed in respect thereof and disciplinary authority proceeded on a wrong premise. Evidences recorded and inferences drawn were not commensurate with the charges. Testimony of witnesses deposing totally against the department was disbelieved without assigning any reasons therefor. Appellant's removal from service on the basis of the aforesaid enquiry report, was held as not sustainable.*

Hon'ble Apex Court ruled that "*an enquiry officer performs a quasi-judicial function. He upon analyzing the documents must arrive at conclusion that there*



had been a preponderance of probability to prove the charges on the basis of materials on record. While doing so, he cannot take into consideration any irrelevant fact or refuse to consider the relevant facts. He cannot shift the burden of proof or reject the relevant testimony of the witnesses only on the basis of surmises and conjectures. He cannot enquire into the allegations with which the delinquent officer had not been charged with.

(ii) In **Roop Singh Negi vs. Punjab National Bank and Others** reported in (2009)1 Supreme Court Cases(L&S) 398, wherein charge against appellant was held to have been established on the basis of FIR, some other documents and appellant's alleged confession before the police. These documents were, however, not proved during the course of departmental enquiry by examining and cross-examining the witnesses. Contentions raised by the appellant were also not considered by the departmental authorities, yet the appellant was dismissed from service. Allowing the appeal with costs, and reversing the decision of High Court, Hon'ble Supreme Court held that :

"A departmental proceeding is a quasi-judicial proceeding. The enquiry officer performs a quasi-judicial function. The charges levelled against the delinquent officer must be found to have been proved. The enquiry officer has a duty to arrive at a finding upon taking into consideration the materials brought on record by the parties.

The purported evidence collected during investigation by the Investigating Officer against all the accused by itself could not be treated to be evidence in the disciplinary proceeding. No witness was examined to prove the said documents. The management witnesses merely tendered the documents and did not prove the contents thereof. Reliance, *inter alia*, was placed by the Enquiry Officer on the FIR which could not have been treated as evidence." (Para 14)

In para 23 of the judgement in **Roop Singh Negi (supra)**, the Hon'ble Apex Court further held as under :-

"23. Furthermore, the order of the disciplinary authority as also the appellate authority are not supported by any reason.

Xxxx The materials brought on record pointing out the guilt are required to be proved. A decision must be arrived at on some evidence, which is legally admissible. The provisions of the Evidence Act may not be applicable in a departmental proceeding but the principles of natural justice are. As the report of the Enquiry Officer was based on merely *ipse dixit* as also surmises and conjectures, the same could not have been sustained. The inferences drawn by the enquiry officer apparently were not supported by any evidence. Suspicion, as is well known, however high may be, can under no circumstances be held to be a substitute for legal proof."

(iii) In *Moni Shankar v. Union of India and Another* [(2008) 1

Supreme Court Cases (L&S) 819], the Hon'ble Apex Court ruled that



"Administrative Tribunal is entitled to determine whether relevant evidence was taken into consideration, irrelevant evidence excluded and requisite standard of proof (preponderance of probability) met in a given case. Tribunal also has power to interfere where test of proportionality is not satisfied."

It was held that :-

"The departmental proceeding is a quasi judicial one. Although the provisions of the Evidence Act are not applicable in the said proceeding, principles of natural justice are required to be complied with. The courts exercising power of judicial review are entitled to consider whether relevant piece of evidence has been taken into consideration and irrelevant facts excluded therefrom, while proving misconduct against an employee. Inference on facts must be based on evidence which meet the requirements of legal principles. The Tribunal was, thus, entitled to arrive at its own conclusion on the premise that the evidence adduced by the department, even if it is taken on its face value to be correct in its entirety, meet the requirements of burden of proof, namely, preponderance of probability. If on such evidence, the test of doctrine of proportionality has not been satisfied, the Tribunal was within its domain to interfere. Doctrine of unreasonableness is giving way to the doctrine of proportionality. On certain aspects, even judicial review of facts is also permissible. (Paras 17 and 18)

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The Tribunal was entitled to consider the question as to whether the evidence led by the Department was sufficient to arrive at a conclusion of guilt or otherwise of the delinquent officer. While reappreciation of

evidence is not within the domain of the Tribunal, an absurd situation emanating from the statement of a witness can certainly be taken note of.

"A departmental instruction cannot totally be ignored. The Tribunal was entitled to take the same into consideration along with other materials brought on record for the purpose of arriving at a decision as to whether the normal rules of natural justice had been complied with or not."

7. THE DISCERNIBLE FACTS:-

(i) The applicant was chargesheeted vide memo dated 08.09.2007(Annexure A/2) for allegations as under:-

प्रिय दोस्तों के दृष्टिकोण से सम्बन्धित दो विवादों के विवरण दिये गये हैं।
 Instances of imputations of malice, neglect or mischievous intent in support of the two charges framed against Shri. Shankar Singh and Shri. ~~Shankar Singh~~ ~~Shankar Singh~~ (name and designation of the Railway servant)

Long absent from 29/18/05
Under Rule 9 of the Railway Servants (Discipline & Appeal) Rules, 1968.

અનુભૂતિ-II/Article-II

અનુભૂતિ-III/Article—III

(अन्वय-III)/(Annexure-III)

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प्राचीन ग्रन्थों में विविध विषयों का वर्णन होता है।

List of witnesses by whom the articles of charge framed against Shri M. N. Venkateswaran under Section 169 of the name and designation of the Railway servant) are

proposed to be sustained.

- ① Habits and Absent.
- ② Service Record.
- ③ Leave Sheet.

(ii) On 20.05.2008(Annexure A/3) the penalty imposed was as under:-

No. DA/11/BWN

Date: 20/05/08.

To

Md. N.Molla, Trackman
✓ Under SSE(P.Way)/BWN(W).

Sub:- Notice in connection with your removal from
Rly. Service.
Ref:- This office No. DA/11/BWN, d. 28-08-07.

In continuation to this office SP-5 under ref above issued to you DA enquiry was held and necessary fact findings submitted to the undersigned by the Enquiry Officer Mr A.K.Routh, SSE(W)/BWN. On going through the same the undersigned is convinced that you are guilty of the charges leveled against you and as a measure of penalty it is proposed to remove you from Rly. Service. If you wish to make any appeal against the penalty you can do so within 10 days.

Assistant Engineer
Eastern Railway
Burdwan.



(iii) He preferred O.A.No.138 of 2009 which was disposed of on 22.06.2009 with the following order:-

"3. However, considering the entire issue involved in this case and also in the interest of justice, we direct the applicant to forward appeal to the appropriate authority forthwith and on receipt of such appeal the Appellate Authority shall consider and dispose of the appeal within a time-frame of three months and decision to be taken thereon be communicated to the applicant accordingly. It is made clear that the appeal shall be disposed of on merit and not on the question of limitation. The OA is accordingly disposed of."

(iv) On 30.10.2009 the following appellate order was passed:-

"Having gone through the entire case the undersigned is of the opinion that reasonable opportunity was not given to the CO as he had failed to attend two consecutive hearings. Moreover, the punishment notice issued by the Disciplinary Authority i.e. Assistant Engineer/Burdwan was not accompanied with any speaking order. It is in contrast to the principle of natural justice. The undersigned also feels that such a long period of absence from duty without any information at this modern age of communication is definitely not consistent with the Railway Service Conduct Rules. The charges against the CO are therefore serious.

It is therefore, advised that the enquiry against the CO may be conducted by issuing fresh Charge Sheet and the enquiry may be conducted with a view to provide all reasonable opportunities to the CO. Disciplinary Authority is also advised to pass a speaking order."

(v) Pursuant to the liberty, a fresh charge sheet dated 10.12.2009 was issued with the allegations as under:-

"Unauthorised absent in duty from 29.08.2005.....(not legible) which violates the Rly. Service Conduct Rule.....(not legible) d(iii) of 1966 as amended time to time."

(vi) The said charge memo was issued afresh without withdrawing the earlier memo dated 08.09.2007. Railway Rules as in RBE 171/1993 is explicit that:-

Sub: Issuing fresh charge Memorandum after cancellation/ withdrawal of original charge Memorandum or after dropping disciplinary proceedings.

1. It has come to the notice of the Railway Board that on one of the Zonal Railways, the Memorandum of charges issued to an employee was withdrawn by the disciplinary authority with the intention of issuing fresh detailed Charge Memorandum. Moreover, while withdrawing the charge sheet, no reasons therefor were given and it was only stated that the charge sheet was being withdrawn. The issue of a fresh charge Memorandum subsequently was challenged by the employee before CAT/Bombay. The Central Administrative Tribunal on hearing the case have quashed the charge Memorandum holding that unless there is a power in the disciplinary authority by virtue of the rules or administrative instructions to give another charge sheet on the same facts after withdrawing the first one, the second charge sheet will be entirely without authority.
2. The matter has been examined and it is clarified that once the proceedings initiated under Rule 9 or Rule 11 of RS (D&A) Rules, 1968 are dropped, the disciplinary authorities would be debarred from initiating fresh proceedings against the delinquent officers unless the reasons for cancellation of the original charge Memorandum or for dropping the proceedings are appropriately mentioned and it is duly stated in the order that the proceedings were being dropped without prejudice to further action which may be considered in the circumstances of the case. It is, therefore, necessary that when the intention is to issue a fresh charge sheet subsequently, the order cancelling the original one or dropping the proceedings should be carefully worded so as to mention the reasons for such an action indicating the intention of issuing charge sheet afresh, appropriate to the nature of the charge.

(vii) The applicant replied on 30.01.2009 as under:-

1. That I am trackman/Gangman of hard duty holder become sick since before the date of my absence from duty after ~~xxxxxxxxxxxxxxxxxxxxxx~~ my weekly rest day in Saturday and SSE/P, Way/Burdwan West was closed on Sunday-28-8-05 when I have reported verbally to my immediate superior the mate of the Gang No. 3 of SSE/P, Way/Bur/ West about my sickness.

2. That on being inform I was shifted to my village where my treatment was held by the Local Govt. Health Unit Authority and I have been made fit for duty by the attending physician and could arrive to join my duty at the SSE/P, Way/Bur/ West Office for submission of the sick and fit certificate but on 19/11/07 very unfortunately the establishment personal of the SSE/P, Way/Bur/ West directly refused to take my petition produce of the original sick and fit certificate of Govt. Doctor, along with the original sick and fit certificate of Govt. Doctor. I could refer my unexpected problem to your notice through your office in writing & submitting the short complaint annexing the Xerox copy of the Original sick and fit certificate on 19-11-2007 and thereafter I went to meet the SSE/P, Way/Bur/ West, Sri N.K. Pal at his store's Office in morning of 20-11-07 and could show to him the refused documents and requested him to accept the petition and medical certificate instead he advised me to send the documents through Postal Service. Accordingly I could send the petition and sick & fit certificate in original to the SSE/P, Way/Bur/ West and thereafter I was waiting for his order at his office but he did not turn up due his engagement out the office.

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4. That your aforesaid charge sheet is absolutely untenable and stood not maintainable for lawful submission in regards to the R.S. (D&A) Rules 1968 and laws of the land. Your issued aforesaid charge sheet is called fresh and duplicate. Both are contrasting each other in meaning, here is confusion. I could not understand clearly. Moreover many variation found in between previous and so called fresh & duplicate charge sheet.

5. That Misplaced unauthenticated wording in the material charge Memorandum is as hereunder :-

(i) 'Long absent' can never be suitable in the case of mine while I was under medical treatment beyond your Control. A patient can not be called long absent, I was then unable.

(ii) 'Habitual absence' - The word 'absent' i.e. absence from duty and it does not pay employee and is subjected to disciplinary action and punishment thereof but I am well confirmed that my service records is very clear. Therefore it may not be applicable here.



(iii) 'Unauthorised absent' has not been brought in this case. But word is used while framing the charge. The word "unauthorised" means not available and Authorised means :- Legal Power or right.

Disciplinary authority should not be confused while using such word in the charge against me. Therefore myself who is available should not be called unauthorised. Available and not available is the vital question. No one should be a judge for this own cause.

6. That I am rendering my faithful service of a Permanent Gangman since 1979 after completion of temporary service for year under SSE/P, May/Bun West and was also victim of illness bearing treated under the Railway Doctors in Railway Hospital for long period of same kind of sickness. Therefore I am requesting you to be kind enough and consider my case sympathetically otherwise my family will remain in starvation.

7. That your aforesaid Memorandum of Charge Sheet has not been vetted by the officers of the Railway Personal Branch.

8. That you are requested to make collection from your end the following records :-

- (a) Railway board's No. F(E) 67 LE-2/2 dated- 7-8-1967
- (b) Railway board's No. F/E/III/75-SPN/1 Dated- 16.6.1976.
- (c) Railway Board's No. 79/H/5/8 dated- 10-5-1979
- (d) Railway Board's No. F(E)/III/70 PN-1/1 dated- 13-5-1971.

These are invariably available in the office of the CPO/KK if not at Sr. DPO/E, Rly/HWH and these are vital for the disciplinary proceedings contemplated against me by you.

(e) That in the event of the disciplinary Inquiry in respect of the material charge sheet in question, I required to be furnished the certified true copy of the RUD.

(f) That I shall be informed the name of my nominating person later on in the event of your decision for holding disciplinary Inquiry.

I hope warmly that your kind authority will pass order for my joining duty at once and obliged.

(viii) The findings of the I.O. show total non-consideration of this plea as in the reply dated 30.12.2009, which reads as under:-

The C.O. has submitted a declaration dated 02.03.10 to defend himself against the subjected DA case without any Defends Helper.

The enquiry was scheduled on 27.03.10, 07.05.10 and 25.06.10 respectively. The C.O. has attended all scheduled dates as per venue of the enquiry.

On 27.03.10 - No enquiry was preceded due to V.I.P. and Divisional H.O.D. inspection held at BWN.

On 07.05.10 - During prosecution of enquiry Md. Molla, C.O. stated that he had been absent from duty 27.04.05 for his sickness and left Hd. qrs. for better medical treatment at out side of the Rly. without permission from the superior. The C.O. also stated that all medical documents are lying with him, he will produce on next date of enquiry.

On 25.06.10 - During prosecution of enquiry, the C.O. has submitted the proof ~~less~~ of medical certificates as proof. The C.O. also stated that after getting medically fit for duty since 18.11.2007, he attended before SSE/PW/BWN(W) for resumption, but is still sustained.

All prosecution statements have been recorded in writing duly signed by the C.O and duly attached with medical certificate (photo copies) as submitted by the C.O

The respective SSE/PW/BWN(W) did not attend before the prosecution of the enquiry, but only he has the official records.

3) Findings :-

I have carefully gone through the all prosecution statements and proof ness of medicals certificates submitted by the C.O and the facts remained that the C.O. has failed to prove any valid reason why he did not inform his immediate Superior SSE/PW/BWN(W) about his absence, as well as the medical certificates were also inconsistent. So the allegation against Md. Nowsad Molla, Tr. man of SSE/PW/BWN(W) under article of charges are established for the period from 29.08.2005 to 17.11.2007 and the rest period from 18.11.2007 to till dates is sustainable.

(ix) The Disciplinary Authority on 26.11.2011 passed the following order:-

SPEAKING ORDER:-

After observing all the enquiry reports and its finding report I can conclude that Md. Nowsad Molla, Ex. Trackman is guilty, reasons for my conclusion are furnished below:-

- i) Due to his long unauthorized absent, Rly. Administration is being deprived to get his service and it is difficult to manage the work which he was entrusted i.e loss of man power by which Rly. could not recover his output.
- ii) He has failed to prove the reason for absenting himself from his duty since 29/08/2005 to 17/11/2007 "the allegation against Md. Nowsad Molla, Ex. Trackman under article of charges are established as per finding report of inquiry officer..
- iii) All his representation shows that his mind is working on aggressive mood and retributive terms which is not the attitude of work man ship manner and proves unexpecting as a Rly Servant i.e there are doubt on his integrity to Rly. Administration. The punishment of removing form Rly service imposed to him earlier is hereby stand good.
- iv) If Md. Nowsad Molla wishes to make any appeal against the above penalty he can do so, within a period of 45 days to the Sr. DEN(2)/HWH (here indicate the name and designation of the affiliate authority) through proper channel. While doing so he should keep in view the provision of 1 & 2 of rule 21, of Rly. servans DA Rule 1968 which are reproduced below/over leaf.

//
Assistant Engineer
Eastern Railway/Burdwan
Disciplinary Authority

The said order shows total non-application of mind on the following :-

- (i) Whether second charge memo without withdrawing the first one, was maintainable;
- (ii) Whether the applicant was afforded reasonable opportunity to meet the charges ;
- (iii) Whether the absence was willful and as such the penalty was commensurate with the offence;
- (iv) Whether earlier penalty could "stand good" after the Appellate Authority directed issuance of a fresh charge sheet;
- (v) Further, the Disciplinary Authority doubted the integrity of the employee which was not the charge, hence, he traversed beyond the charge making the penalty order unsustainable.

The applicant's detailed appeal dated 05.01.2012 was disposed of on

26.09.2012 with the following cryptic order, passed without addressing the issues in appeal about the legality of the proceedings:-



EASTERN RAILWAY

HWL. dt. the 26th Sept/2012.

No. E/1/Appeal/33/2012
Date of Appeal:- 05.01.2012
Date of Order:- 26.09.2012
Name of the accused:- Molla
Ex-Trackman Gang No.03,
Under SSE/P.Way/BWN(W).

Sub :- Your appeal dated 05.1.2012 against Punishment
Notice No. DA/11/BWN/N.Molla, dated 22.11.11.
(Removal from Service w.e.f. 22.11.2011).

After going through the details of your appeal, the para wise remarks of the appeal by AEN/BWN and earlier record of absentee as received from SSE/P.Way/BWN(W), it is found that you are a habitual unauthorised absentee. In past also you were absent from duty from 16.4.03 to 16.6.05. You resumed duties but again went for unauthorised absent from 29.08.05 to 17.11.07 i.e. the period for which SF-5 was issued earlier. You had not given any information to your Mate of Gang or any other Supervisor under whom you were working.

You had also been given enough opportunities to prove the genuine reason of absence without any information to the P. Way Mate or Supervisor that you could not prove even in the enquiry, whatever was produced was not convincing documents.

Therefore, the punishment imposed by D.A. Stand as it is

[Signature]
R S K Verma
Sr. Div. Engineer
E Riv/Houran

8. Having noted the glaring omissions above, the chargesheet, penalty order and the appellate orders are quashed and the matter is remanded back to the Disciplinary Authority to pass an order in accordance with law.

The O.A. thus stands disposed of. No costs.


Dr. Nandita Chatterjee)
Administrative Member
sb


(Bidisha Banerjee)
Judicial Member

