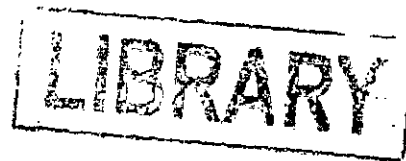


**CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH, KOLKATA**



O.A. 350/1165/ 2014

Heard on : 31.07.2019

Order dated: 05.08.2019

**Coram : Hon'ble Ms. Bidisha Banerjee, Judicial Member  
Hon'ble Dr. Nandita Chatterjee, Administrative Member**

Sumita Mukherjee, wife of Late Prabir Mukherjee, aged about 57 years, Ex-Scientist -'C' Training Division, Central Sericultural Research and Training Institute, Berhampore, District - Murshidabad, at present working as Scientist C, Central Tasar Research & Training Insitute, Piska Nagri, Ranchi, Jharkhand, at present residing at P5, 11 Floor, 73, Tanupukur Road, Kolkata 700031.

..... Applicant

Versus

1. Union of India,  
Service through the Secretary,  
Ministry of Textiles,  
New Delhi- 110001.

2. The Member Secretary  
Central Silk Board,  
Ministry of Textiles,  
Government of India  
Having his office at Post Box No. 68  
CBS Complex, BTM Layout.  
Madivale, Bangalore-560068.

3. The Director,  
Central Sericultural Research and Training Institute,  
having his office at Post Office Berhampore-  
742101. District - Murshidabad,  
West Bengal.

..... Respondents.

For the applicant : Mr.C.Sinha, Counsel

For the respondents : Mr. A.K.Basu, Counsel

### ORDER

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant, being aggrieved with the disciplinary proceedings initiated against her, and, the consequent penalty thereon, has approached the Tribunal in second round litigation, praying for the following relief:

*"a) To set aside and quash Impugned Memo No. CSB/CSR & TI/VIG(38)/Laptop/2007-08/4890 dated 1/8/2008 issued by Director of Central Sericultural Research and Training Institute, Central Silk Board, Ministry of Textiles, Govt. of India, Berhampore, Murshidabad, Dist. West Bengal.*


*b) To set aside and quash Impugned order No. CSB/CSR & TI/VIG(38)/Laptop/2007-08/12049 dated 10/XI/2008 issued by Director of Central Sericultural Research and Training Institute, Central Silk Board, Ministry of Textiles, Govt. of India, Berhampore, Murshidabad, Dist. West Bengal.*

*c) To set aside and quash Impugned Appellate Order No. CSB-1(8)/2008-VIG dated 3/8/2009 issued by Member Secretary, Appellate Authority of Central Silk Board, Ministry of Textiles, Govt. of India, BTM Layout, Hosur Road, Madivale, Bangalore.*

*d) To set aside and quash Impugned Order No. CSRTI/SM/SC/WP-C.T No./O.A. No. 11 of 2012/269 dated 28/30.04.2012 issued by Director, Central Sericultural Research and Training Institute, Central Silk Board, Berhampore, Murshidabad.*

*e) Any other order(s) as the Hon'ble Tribunal deems fit and proper."*

2. Heard both Ld. Counsel, examined pleadings and documents on record.



3. The submissions of the applicant, as articulated through her Ld. Counsel, are that the applicant was functioning as Scientist 'C' in the Training Division of CSR&TI, Berhampore, West Bengal, when a Laptop computer went missing in 18.12.2007 from the office premises. Thereafter, an office note dated 01/04.02.2008 was issued by the Director Incharge requesting the applicant to submit the chronological list of events leading to the theft of the laptop computer, and the applicant submitted her response on 10.03.2018.

On 01.08.2008, however, a charge memorandum was issued to the applicant proposing to take action against her under Rule 16 of the CCS (CCA) Rules, 1965 alleging misconduct and misbehavior. The applicant submitted her reply denying the charges, but a penalty order was issued on 10.11.2008 by the Director of the Institute, and, upon preferring an appeal thereupon, the Appellate Authority confirmed the minor penalty but reduced the amount of recovery to be made from the applicant.

The applicant had earlier moved the Tribunal in O.A.No. 784/2012 and the same was allowed by the Tribunal vide its order dated 23.09.2011. This order was challenged by the Respondents in W.P.C.T. No. 11/2012 and the Hon'ble High Court granted the Respondent No.1 (applicant in the O.A.) liberty to challenge the Appellate Authority's order before the appropriate forum and, accordingly, the applicant has approached this Tribunal challenging, among others, the orders of the Appellate Authority.

The main grounds advanced by the applicant, in support of her claim, *inter*

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*alia*, are as follows:

(a) That, an FIR had been lodged for recovery of the lost laptop computer but, without waiting for any report from the police authorities, and, without conducting any inquiry, the Disciplinary Authority acted hastily and issued a charge memorandum, along with penalty order, and, that, no documentary evidence or list of witnesses was proposed for conducting any inquiry.

(b) That, as an inquiry is mandatory in such a situation, in the absence of inquiry, Rule 16 (1)(b) and 16(1)(d) of the CCS (CCA) Rules, 1965, has been flagrantly violated by the Disciplinary Authority.

(c) The order of the Appellate Authority is cryptic and violative of Rule 27(2) of the CCS (CCA) Rules, 1965.

(d) All norms of principles of procedural justice, equity and fair play have been denied to the applicant.

4. The Respondents, per contra, have controverted the claim of the applicant contending that the Central Silk Board is a body created under a statute. The Board functions within the overall control of the Ministry of Textiles, the primary function of the Board being Research and Development in the field of Sericulture, and, as such, FRSR, CCS(Leave) Rules, CCS(Conduct) Rules, CCS(CCA) Rules, CCS(Pension) Rules and all other Rules related to functionaries in Govt. of India applies *mutatis mutandis* to the employees of the Board.

The applicant, who was working as a Scientist 'C', was entrusted with the work of imparting training as a part of her earmarked functions, but, she exhibited utter carelessness and negligence, which resulted in the theft of a

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laptop computer belonging to Respondent No.3, and, the said Respondent No.3, after a preliminary inquiry into the matter, initiated departmental action against the applicant as well as another Scientist 'C', one Dr. Samir Kumar Mazumder. Consequent to the result of such preliminary inquiry, proceedings were drawn up under Rule 16 of the CCS (CCA) Rules, 1965 and the Disciplinary Authority, after having considered the entire case and the defence statement of both the Scientists, imposed a minor penalty order of recovery of a part of the pecuniary loss of Rs. 35,248/- (cost of the laptop coputer) and, accordingly, ordered recovery of 50%, i.e. Rs. 17,624/- from each Scientist in installments from their salaries. The applicant preferred an appeal thereafter and the Appellate Authority, while upholding the penalty, reduced the quantum of recovery from 17624/- to Rs. 12,500/- to be recovered from each of the Scientists. As the applicant had not challenged the orders of the Appellate Authority, while approaching the Tribunal in O.A.No. 784/2009, the Hon'ble High Court set aside the orders of the Tribunal and gave liberty to the applicant to approach the appropriate forum in accordance with law. Respondent No.2 to the said Writ Petition, Dr. Samir Kumar Mazumder, however, accepted the orders of the Appellate Authority and did not wish to litigate any further.

According to the Respondents, the present O.A. is not sustainable and, being misconceived and devoid of any merit, is liable to be rejected.

5. The primary issue before us, in order to adjudicate this O.A., is whether principles of natural and procedural justice have been violated in conduct of the disciplinary proceedings against the applicant.

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6. At the outset, we refer to a direction from the Respondent authorities dated 04.02.2008 (Annexure-A/2 to the O.A.), in which, the applicant, in her capacity as Incharge of the Training Division on the day of theft of the laptop computer, was directed to submit chronological details of events prior to the theft of the laptop computer. Subsequently, on receipt of her submissions, Memorandum of charges were drawn up as per Rule 16 of the CCS (CCA) Rules, 1965.

At this stage, we would proceed to examine the scope of Rule 16 of the CCS (CCA) Rules, 1965 as it is germane to the lis. Rule 16 of the CCS (CCA) Rules, 1965 lays down the procedure for imposing minor penalties and is quoted in verbatim as follows:

***"16. Procedure for imposing minor penalties***

- (1) Subject to the provisions of sub-rule (5) of Rule 15, no order imposing on a Government servant any of the penalties specified in Clause (i) to (iv) of rule 11 shall be made except after-*
- a) informing the Government servant in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him reasonable opportunity of making such representation as he may wish to make against the proposal;*
  - b) holding an inquiry in the manner laid down in [sub-rules (3) to (24) of Rule 14, in every case in which the Disciplinary Authority is of the opinion that such inquiry is necessary;*
  - c) taking the representation, if any, submitted by the Government servant under Clause (a) and the record of inquiry, if any, held under Clause (b) into consideration;*
  - d) consulting the Commission where such consultation is necessary. The Disciplinary Authority shall forward or cause to be forwarded a copy of the advice of the Commission to the Government Servant who shall be required to submit, if he so desires, his written representation or submission on the advice of the Commission, to the Disciplinary Authority within fifteen days; and*
  - e) recording a finding on each imputation or misconduct or misbehavior.]*

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(1-A) Notwithstanding anything contained in Clause (b) of sub-rule (1), if in a case it is proposed after considering the representation, if any, made by the Government servant under Clause (a) of that sub-rule, to withhold increments of pay and such withholding of increments is likely to affect adversely the amount of pension payable to the Government servant or to withhold increments of pay for a period exceeding three years or to withhold increments of pay with cumulative effect for any period, an inquiry shall be held in the manner laid down in [sub-rules (3) to (24) of Rule 14], before making any order imposing on the Government servant any such penalty.

- (2) The record of the proceedings in such cases shall include-
- i. a copy of the intimation to the Government servant of the proposal to take action against him;
  - ii. a copy of the statement of imputations of misconduct or misbehaviour delivered to him;
  - iii. his representation, if any;
  - iv. the evidence produced during the inquiry;
  - v. the advice of the Commission, if any;
  - vi. Representation, if any, of the Government servant on the advice of the Commission
  - vii. the findings on each imputation of misconduct or misbehaviour; and
  - viii. the orders on the case together with the reasons therefor."

The provisions at Rule 16(1)(b) and (c) are relevant in the contest of applicant's averments on the mandate of holding an inquiry. Rule 16(1)(b) lays down that an inquiry may be held in every case in which the Disciplinary Authority is of the opinion that such inquiry is necessary, implying thereby that the decision to hold an inquiry or not would be at the discretion of and is the prerogative of the Disciplinary Authority.

DoP&T O.M. No. 11012/18/85-Estt.(A) dated 28<sup>th</sup> October, 1985, rules that an inquiry has to be held when requested by the delinquent. In particular, the said O.M. lays down as follows:

**"Holding of an inquiry when requested by the delinquent:  
Instructions -**

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xxx                      xxx                      xxx. Rule 16 (1-A) of the CCS (CCA) Rules, 1965 provide for the holding of an inquiry even when a minor penalty is to be imposed in the circumstances indicated therein. In other cases, where a minor penalty is to be imposed, Rule 16 (1) *ibid* leaves it to the discretion of Disciplinary Authority to decide whether an inquiry should be held or not. The implication of this rule is that, on receipt of representation of Government servant concerned on the imputations of misconduct or misbehavior communicated to him, the Disciplinary Authority should apply its mind to all facts and circumstances and the reasons urged in the representation for holding a detailed inquiry and form an opinion whether an inquiry is necessary or not. In a case where a delinquent Government servant has asked for inspection of certain documents and cross examination of the prosecution witnesses, the Disciplinary Authority should naturally apply its mind more closely to the request and should not reject the request solely on the ground that in inquiry is not mandatory. If the records indicate that, notwithstanding the points urged by the Government servant, the Disciplinary Authority could, after due consideration, come to the conclusion that an inquiry is not necessary, it should say so in writing indicating its reasons, instead of rejecting the request for holding inquiry summarily without any indication that it has applied its mind to the request, as such an action could be construed as denial of natural justice.

In this contest, we would proceed to examine the statement of defence submitted by the applicant in response to the memorandum of charges. From the defence statement, as annexed at Annexure-A/5 to the O.A. dated 19.08.2008, the following inference is drawn from the submissions made by the applicant:

- (a) That, there has been no formal charge handing over and taking over and no procedure was adopted when the applicant had temporarily taken over the officiating in charge of the Training Section and, that the officer, who the applicant had replaced had not verbally informed her about the presence of any laptop computer in such Training Section.
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- (b) That, although the laptop computer is, invariably, an asset in the truest sense of the term, the same was never taken on stock or entered into the Stock Register and, hence, it cannot be declared as an asset of the Section, and, that, it is the conjoint responsibility/obligation for the section to maintain the property of the Section.
- (c) That, the applicant tried hard to register a case in the police station for the missing laptop computer and to obtain all important information that would help in retrieval of the laptop.
- (d) When a police case has been registered over the missing laptop computer, blaming one or two officers amounts to manipulation of the course of investigation and, particularly, in the absence of any adverse police report against the applicant, the applicant should not have been issued with any charge memo.
- (e) The administration should have arranged for the security personnel for Training Centre to safeguard the assets of the Section.

6.1 Perusal of the statement of defence/representation made by the applicant to the Disciplinary Authority reveals that the applicant has acknowledged upfront the receipt of the memorandum. Nowhere in the said defence representation, however, the charged officer/applicant had requested for inspection of documents as well as for holding of an inquiry. The charged official/applicant, not having represented or requested for an inquiry, the decision to hold an inquiry was entirely left to the Disciplinary Authority, who issued his orders on 10.11.2008 (Annexure-A/6 to the O.A.)

6.2 In the orders of the Disciplinary Authority, there is a categorical assertion that the representation dated 19.08.2008 had been considered and examined,



and, after consideration of the same, the Disciplinary Authority had imposed the punishment of recovery of Rs. 17,624/- in installments from the salary of the applicant.

6.3 The applicant, thereafter, preferred an appeal (Annexure-A/7 to the O.A.). The appeal is dated 12.11.2008 and the applicant put forth the following facts for consideration of the Appellate Authority.

(a) That, the act of the punishment was without any rhyme or reason and the entire allegation leveled against her was solely on the ground that she was officer-in-charge at the material point of time.

(b) That, reliance was placed entirely on the preliminary inquiry, and, that, her reply dated 19.08.2008 was not given any credence.

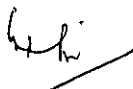
(c) No departmental inquiry has been initiated following prescribed rules, and, that, the penalty was imposed on her unilaterally.

The Appellate Authority issued orders on 03.08.2009 (Annexure-A/10 to the O.A.) and the following is deciphered therefrom:

(a) That, the Appellate Authority had made a thorough and intense examination of the issue involved in the disciplinary proceedings as a whole, and, had duly applied her mind in the entire facts and circumstances of the proceedings.

(b) That, the Appellate Authority had referred to the relevant documents as well as the averments made by the appellant in the appeal.

(c) That, each of the contentions raised by the appellant in her appeal have been considered in detail by the Appellate Authority as follows:

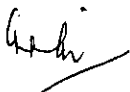


(i) That, the contention of the appellant that there was no official communication to the effect that she was given charge of the Training Division, was totally false and unacceptable as the applicant was made aware and advised to look after the work of one Smt. Indira Roy during the period of leave of absence of the latter official.

(ii) That, the preliminary investigation committee and, later, the Disciplinary Authority, arrived at the finding that, instead of safeguarding the laptop computer in safe custody and issuing it to the requiring faculty, the applicant, with sheer carelessness, left it in the class room leading to loss of the said laptop computer.

(iii) The applicant had defended herself stating that the laptop computer was basically entrusted with the attendant of the Training Division, and, as because the attendant was on leave on that particulate date, the laptop computer was left in the classroom itself. Being a senior official of the Section and, particularly, the Incharge, such defence of the appellate is unacceptable. Particularly, her attempt to shift the blame on a lower level staff, such as an attendant, is despicable.

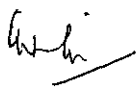
(iv) That, it is not true that no investigation was conducted; rather, a preliminary investigation was indeed conducted by a committee headed by a Scientist 'E', who is two levels higher in seniority than the applicant, and, that, the said committee ascertained the views and versions of all officials concerned and the findings of the committee were to the effect that the applicant had failed to arrange either to lock the room, in which the said property was kept, or to keep the laptop computer in safe custody and had left for lunch without any concern



about the safety of the laptop computer and, it is during the lunch hour, that the said theft had occurred on account of irresponsible act of the appellant. It was also concluded by the committee that Smt. Indira Roy, the earlier in charge, who had proceeded on leave, was invariably taking precautionary measures, such as ensuring that the laptop is available to the requiring faculty and when its usage was not required, and in ensuring its safe custody in the Almirah under lock and key. The difference in the sense of responsibility between Smt. Indira Roy and the appellant substantiates the charges that the appellant failed to discharge her responsibilities as Incharge for safeguarding the departmental assets with devotion and sincerity.

(v) The FIR concluded that the culprit could not be traced. The Director of Institute, however, in the capacity of Disciplinary Authority was quite within his right to initiate the disciplinary proceedings and that the penalty imposed was in order and it being a matter of collective and joint responsibility of both the Scientists, they had been penalized in equal measure.

(vi) The Appellate Authority also concluded that the proceeding had adhered to requisite provisions of CCS(CCA) Rules, 1965 and, particularly, Rule 16 of the same and, finally, the Appellate Authority while agreeing in principle on the conclusion of the Disciplinary Authority and the minor penalty of recovery took a lenient view and reduced the amount of recovery to Rs. 12500/- only from each charged official. The other Scientist 'C', Dr. Samir Kumar Mazumder, who was similarly penalized, accepted the orders of the Appellate Authority and did not ventilate his grievances any further by further recourse to litigation, a fact which has been recorded by the Hon'ble High Court, Calcutta, while disposing of WPCT No. 11/2012 (Annexure-A/11 to the O.A.).



6.4 An order was issued on 30.04.2012 (Annexure-A/12 to the OA.), vide which, the recovery of Rs. 12,500/- only was directed to be made from both the charged officials. From page 26 of the reply, an Office Order dated 11.03.2015 bears evidence to the fact that the amount was duly recovered from the applicant concerned and the amount of Rs. 10,249/-, which was rendered excess on account of Appellate Authority's order of reduction of amount of recovery, was refunded to the applicant by a suitable advice to the concerned bank branch. The applicant has not disputed the same.

6.5 During hearing, the Respondents furnished before us an instruction received from the Respondent authorities, particularly, the Director of the said Institute, which states as follows:

*"1. Dr. Sunita Mukherjee, Scientist-D has already been retired on attending the age of superannuation from Board's service on 31.05.2017 (A.N).*

*2. After retirement, she has got all the retirement benefits from the Central Silk Board. Only difference of pay & allowances arrears under 7<sup>th</sup> CPC for the period 01.01.2016 to 31.05.2017 are dues and the same will be paid as & when government will declare for payment of the same.*

*3. Stigmatic or caste aspersions has not been shown in the service records of Smt. Sunita Mukherjee, Scientist-D, (Retired) in absence of your direction.*

Yours faithfully

-Sd-  
Director"

Although, the instructions fail to spell the first name of the applicant accurately, the contents of the instructions have not been controverted by the applicant, and, hence, we proceed to decipher therefrom as follows:

- (i) Applicant has superannuated with all retirement benefits, and, that, her pay and allowances under 7<sup>th</sup> CPC would be paid upon receipt of Government's orders on the same. As the payment of 7<sup>th</sup> CPC arrears

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is not under dispute, it is noted that retirement benefits have been disbursed to the applicant.

- (ii) The said instruction also states that no stigmatic aspersions have been made in the service record of the applicant concerned.
- (iii) It is also seen that, prior to superannuation, the applicant had been promoted from Scientist 'C' to Scientist 'D'. Hence, the proceedings under Rule 16 of the CCS(CCA) Rules, 1965 as taken out against her did not stand in the way of the applicant's promotional avenue. Accordingly, apart from recovery of amount of Rs. 12,500/- only, the applicant was not prejudiced either in her career or in her other official assignments on account of said disciplinary proceedings.

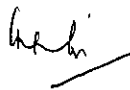
6.6 We would hereafter proceed to examine adherence to principle of procedural justice in the context of the applicant. The scope of appeal has been laid down in Rule 27 of the CCS (CCA) Rules, 1965. The said rule is reproduced below:

**"27. Consideration of appeal**

(1) *In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of Rule 10 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.*

(2) *In the case of an appeal against an order imposing any of the penalties specified in Rule 11 or enhancing any penalty imposed under the said rules, the appellate authority shall consider-*

- (a) *whether the procedure laid down in these rules have been complied with and if not, whether such non-compliance has resulted in the violation of any provisions of the Constitution of India or in the failure of justice;*
- (b) *whether the findings of the disciplinary authority are warranted by the evidence on the record; and*
- (c) *whether the penalty or the enhanced penalty imposed is adequate, inadequate or severe;*



and pass orders-

- (i) confirming, enhancing, reducing, or setting aside the penalty; or
- (ii) remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case :

provided that-

- (i) The Commission shall be consulted in all cases where such consultation is necessary and the Government servant has been given an opportunity of representing against the advice of the Commission within the time-limit specified in Clause (b) of sub-rule (3) of Rule 15:
  - (ii) If such enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (v) to (ix) of Rule 11 and in inquiry under Rule 14 has not already been held in the case, the appellate authority shall, subject to the provisions of Rule 19, itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of Rule 14 and thereafter, on a consideration of the proceedings of such inquiry and make such orders as it may deem fit:
  - (iii) if the enhanced penalty which the Appellate Authority proposes to impose is one of the penalties specified in clauses (v) to (ix) of Rule 11 and an enquiry under Rule 14 has been held in the case, the appellate authority shall make such orders as it may deem fit after the appellant has been given a reasonable opportunity of making a representation against the proposed penalty; and
  - (iv) no order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable opportunity, as far as may be, in accordance with the provisions of Rule 16, of making a representation against such enhanced penalty.
- (3) In an appeal against any other order specified in Rule 23, the appellate authority shall consider all the circumstances of the case and make such orders as it may deem just and equitable."

The role of the Appellate Authority, *inter alia*, as inferred from the above Rule 27 (2)(a)(b) and (c), is to examine the procedural propriety to ascertain whether the findings of the Disciplinary Authority are based on evidence and also

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to decide whether the penalty requires to be confirmed, enhanced, reduced or to be set aside.

In the instant case, the Appellate Authority not only did not enhance the penalty; rather the authority reduced the amount of recovery from Rs. 17,624/- to Rs. 12,500/- against each charged official. Further, each of the issues raised by the appellant alleging procedural violation has been amply discussed by the Appellate Authority in her orders. Hence, when the applicant herself has not sought an inquiry at the appropriate stage, and, when a preliminary investigation, conducted by a committee headed by suitable senior officer, found her guilty of negligence, raising a red flag on the issue of procedural violation is not substantiated at this stage.

6.7 Regarding violation of natural justice, we find that the applicant was first allowed to narrate sequence of events leading to the theft of laptop computer. Thereafter, she was given an opportunity to file written statement of defence on the charge memo. She was allowed to prefer an appeal. Hence, at this stage, one cannot say that the principle of natural justice has been violated as far as the applicant is concerned.

6.8 In the earlier round of litigation, while adjudicating in O.A. 784/2009, the Tribunal allowed the O.A. on the grounds that the sufficient clarity has not been obtained from the Respondents regarding the job distribution and assignment of responsibilities with reference to the custody of laptop computer. As each of these issues has been dealt with by the Appellate Authority in her order dated 03.08.2009, and, as the Tribunal, in the earlier round of litigation was not given an opportunity to examine the order of the Appellate Authority, such information

*[Signature]*



being not brought to record by the applicant despite the fact that she had received the order of the order of the Appellate Authority issued on 03.08.2009 during pendency of the O.A., the Tribunal was not in a position to peruse the order of the Appellate Authority and, it remains a matter of conjecture as to whether the Tribunal would have issued different orders had the order of the Appellate Authority been brought on record.

6.9 The Hon'ble Supreme Court, upon referring to **State of Andhra Pradesh Vs. S.Sree Rama Rao, AIR 1963 SC 1723**, and **B.C.Chaturvedy Vs. Union of India, (1995) 6 SCC 749**, while adjudicating in **High Court of Judicature at Bombay Vs. Shashikant S. Patil, (2000) 1 SCC 416**, had laid down the grounds of judicial review as follows:

*"(a) where there has been a violation of the principles of natural justice; or*

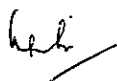
*(b) the proceedings have been held in violation of statutory regulations prescribing the mode of such enquiry; or*

*(c) the decision is vitiated by considerations extraneous to the evidence and merits of the case; or*

*(d) if the conclusion made by the authority is ex facie arbitrary or capricious that no reasonable person could have arrived at such conclusion; or*

*(e) other very similar to the above grounds."*

7. In the instant matter, we are of the considered view that there has been no violation of principle of natural justice despite the applicant's averments. The provisions of Rule 16 of CCS(CCA) Rules, 1965 have been adhered to and no violation of procedural justice has been established. No extraneous evidence or arbitrary conclusion of the authority has been brought on record and, accordingly, we feel that the applicant has failed to present a convincing case that the



disciplinary proceedings against her was violative of principles of natural or procedural justice calling for judicial review.

Accordingly, we refrain from interfering with the orders of the Appellate Authority, and, considering the O.A. as devoid of merit, dismiss the same.

Parties are to bear their own costs.

(Dr.Nandita Chatterjee)  
Member (A)

(Bidisha Banerjee)  
Member (J)

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