

GAHC010154022022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5085/2022

OM PRAKASH AGARWALLA
S/O LATE CHANDMAL AGARWALLA, R/O HOUSE NO. 12, MONALISA PATH,
ZOO-NARENGI ROAD, GUWAHATI, P.S.-GEETANAGAR, DIST- KAMRUP(M),
ASSAM, PIN-781024

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE SECRETARY, GOVERNMENT OF ASSAM,
DEPARTMENT OF INDUSTRIES AND COMMERCE, DISPUR, GUWAHATI, DIST-
KAMRUP(M), ASSAM, PIN-781006

2:ASSAM INDUSTRIAL DEVELOPMENT CORPORATION LIMITED
R.G. BARUAH ROAD
GUWAHATI
DIST-KAMRUP(M)
ASSAM
PIN-781024
REPRESENTED BY ITS MANAGING DIRECTOR

3:THE MANAGING DIRECTOR
ASSAM INDUSTRIAL DEVELOPMENT CORPORATION LIMITED
R.G. BARUAH ROAD
GUWAHATI
DIST-KAMRUP(M)
ASSAM
PIN-781024

4:ATUL MAZUMDAR
ENQUIRY OFFICER CUM DEPUTY GENERAL MANAGER (TECH)
ASSAM INDUSTRIAL DEVELOPMENT CORPORATION LTD
R.G. BARUAH ROAD

GUWAHATI
DIST- KAMRUP(M)
ASSAM
PIN-78102

Advocate for the Petitioner : MR. K N CHOUDHURY

Advocate for the Respondent : SC, INDUSTRIES AND COMMERCE

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date of Hearing : 28.08.2023

Date of Judgment : 24.11.2023

Judgment and Order (CAV)

Heard Mr. K.N. Choudhury, learned Senior Counsel assisted by Mr. T. Deuri, learned counsel for the petitioner. Also heard Mr. J.K. Goswami, learned Government Advocate for the respondents.

2] The petitioner was employed in the year 2006 as a Financial Controller under the Assam Industrial Development Corporation (AIDC). While he was serving as a Financial Controller, a fixed deposit of maturity value amounting to Rs.15,02,07,798/- in the Canara Bank account of the respondent no.2 (AIDC) had matured on 17.06.2020. It is the petitioner's case that after making inquiries from several other banks in respect of the rate of interest provided for fixed deposit

amounts, it was found that the Central Bank of India offered the highest fixed deposit rates at 5.60% per annum quarterly compounded for deposits in denomination of Rs.3,00,00,000/-. According to the petitioner a decision was taken by the AIDC and under the signatures of the then Managing Director AIDC and the petitioner, an amount of Rs.15,00,00,000/- was transferred from the Canada Bank to the Central Bank of India for being kept as a fixed deposit and the balance amount was also transferred to the account of the AIDC maintained in the Vijaya Bank. This proposal was put forth by the then Additional Financial Controller with an internal note from his end, which was duly signed by the Managing Director, AIDC. The petitioner had also put his signature in the same note after the approval of the said proposal. Thereafter, an amount of Rs.14,97,91,144/- was credited to Account number 383-950-6126 of the Central Bank of India on 03.08.2020 by RTGS. Pursuant to that on 07.08.2020 an FIR was lodged by the Branch Manager of Central Bank of India, Bhangaghar Branch alleging *inter alia* that one Mr. Raj Mohammed, son of Mr. Abdul Khali, resident of H. No.10, Ali Ahmed Nagar, Near Purana Basti Masjid near Kamrup, had approached the Bhangaghar Branch of the Central Bank of India to open an current account on 27.07.2020 upon completing all formalities and upon furnishing the relevant credentials as necessary for the process of opening the account like that in the Bank as per the procedure. Pursuant to the account being

opened, high value transactions were noticed in the said account. An amount of Rs.14,97,91,144/- was seen to be received from the AIDC. The account was freezed by the Bank and the FIR was filed upon inquiries made with the AIDC officials, 2 (two) letters dated 30.07.2020 and 04.08.2020, which were issued on computer generated letter heads of the Central Bank of India were received from the AIDC. Upon further inquiries being made, it was found that the said Mr. Raj Mohammed, in whose account the amount was transferred, did not stay at the address mentioned in the credentials which were submitted before the Bank at the time of opening account.

3] Similar FIR was lodged by one Dipak Kumar Deka, General Manager of AIDC on 08.08.2020. The police conducted the investigation and the case was registered being Bhangagarh PS case no. 301 of 2020 under Sections 203/ 406/ 420/ 468/ 471 IPC. During the course of investigation, the petitioner was arrested on 28.10.2020 in connection with Bhangagarh Police Station Case no. 298/2020 under Sections 203/406/420/ 463 of the IPC and he was granted bail on 26.12.2020 by the Learned Court of Sub-Divisional Judicial Magistrate (Sadar) no.1, Guwahati. In view of his arrest, the petitioner was placed under suspension from the month of August, 2020 and the suspension has not removed by the Department till date. It is stated that investigations are not complete and the charge sheet in the matter has not yet been filed as per the averments made in

the writ petition.

4] Preliminary Enquiry was conducted by one Sri D.K. Deka, who was a former General Manager of AIDC, with regard to the involvement of the petitioner in respect of the alleged fraudulent activities relating to the issue of transfer of the amount of fixed deposit from the account of the AIDC. The preliminary report was submitted on 07.11.2020 and thereafter, on 19.05.2021 the Managing Director, AIDC, issued a show cause to the petitioner under the AIDC Employees Conduct, Discipline and Appeal Rules, 1985 and Rule 9 of the Assam (Discipline and Appeal) Rules, 1964, read with article 311 the Constitution of India. In the show-cause notice issued to the petitioner on 19.05.2021, there were as many as 6 charges were leveled against him and he was asked to submit his reply within 10 days from the date of receipt of the communication and in case he wanted to inspect the documents then he should do so within 3 days from the date of receipt of the show-cause and thereafter, submit his reply within 7 days. The petitioner by his reply dated 25.06.2021 denied all the charges made against him. He submitted a detailed reply giving reasons in support of his denial. Thereafter, Enquiry Officer was appointed and the enquiry report was submitted. Enquiry Officer submitted his report on 30.10.2021, whereby he concluded that the petitioner had committed gross negligence in his service, intentionally used his power injudiciously and thereby, caused serious losses financially and to the

reputation of the Corporation and therefore, the same is in violation of the AIDC's Conduct, Discipline and Appeal Rules, 1985 and recommended appropriate action to be initiated against the petitioner by the Management. The Enquiry Officer further opined that he did not find any intentional involvement of another employee, namely, Sri Rajiv Medhi in the entire event. The enquiry report submitted was furnished to the petitioner, giving him an opportunity to reply to the same findings of the enquiry report. The petitioner submitted his replies and thereafter by order dated 23.03.2022, the Managing Director issued the Office Order terminating the petitioner from his service with immediate effect. Thereafter, the petitioner had approached this Court by filing WP(C) no.7302 of 2021, challenging the disciplinary proceedings in the matter against the petitioner. This writ petition subsequently was withdrawn by order dated 05.04.2022 with liberty to file afresh. Thereafter, the present writ petition has been filed praying for setting aside the Enquiry report dated 30.10.2021 as well as the consequential order dated 23.03.2022 issued by the Managing Director, AIDC by which the penalty of termination of service was imposed on the petitioner.

5] Learned Senior Counsel for the petitioner submits that the case projected before this Court is within a narrow compass. The Learned Senior Counsel submits that there is no dispute that a preliminary enquiry was initially caused by the AIDC. The preliminary enquiry was conducted by an officer of the AIDC and

certain recommendations against the petitioner were made. In the said preliminary enquiry report, there was no participation of the petitioner. The entire preliminary enquiry was conducted without involving the petitioner. Thereafter, the Department proceeded with the departmental disciplinary enquiry by issuing the show-cause notice dated 19.05.2021 leveling 6 charges against the petitioner. By the show-cause notice dated 19.05.2021, the following charges were issued against the petitioner:

“Whereas an enquiry was being conducted to find out the cause of occurrence and any procedural lapses and for fixing responsibility to the executive responsible for the fraudulent transfer of the AIDC Funds,-and-whereas, the said-Enquiry report has implicated you alongwith one another, of fraud and dishonesty for causing transfer of huge funds of the corporation into private account of individuals and putting it to risk of being misappropriated by them by misusing your position in the corporation, misleading the MD of the Corporation while conniving with others also by misusing your position and thereby causing loss to the Corporation, apart from loss of image, etc. You are hereby directed to show cause under the AIDC Employees Conduct, Discipline and Appeal Rules, 1985 and Rule 9 of the Assam Services (Discipline and Appeal) Rules, 1962 read with Article - 311 of the Constitution of India as to why appropriate punishment shall not be imposed on you on the following charges:-

Charge No-1

That while functioning as the Financial Controller under the establishment of the AIDC, It was reported by the cashier on 16-06-2020 that you had arranged for a transfer of money amounting to Rs. 15,00,00,000.00 (Rupees Fifteen Crores Only) by transfer from the Canara Bank to the private account of one M/S Rehana Enterprise, Prop. Raj Mohammad in account No. 3839506126 maintained and operated by him in the Central Bank of India, Bhangagarh Branch by producing fake/forged letters dated 31-07-2020 and your alleged reply to the same vide your reply dated 6-08-2020 through e-mail intentionally with an intention to defraud and cause loss the corporation, for which you are charged for such illegal actions under Rule- 5(1) and Rule - 5(5) of the AIDC Employees Conduct, Discipline and Appeal Rules, 1955.

Charge No-2

That you Mr. OP Agarwalla, while-taking part in the intentional transfer of Rs. 15,00,00,000.00 (Rupees Fifteen Crores Only) to an account otherwise than a parking account of the Central Bank of India and verified as such by the General Manager of the Central Bank of India, has committed intentional misconduct, attempt at defrauding and causing loss to the corporation, willful insubordination and negligence in performing your duties with an intention to make undue gains in excess of your authorities to the detriment of the AIDC, have maligned the image of the AIDC, for which you are charged with Rule- 5 (6),5(9), etc. of the AIDC Employees Conduct, Discipline and Appeal Rules, 1985.

Charge No.3.

That while making the aforesaid transfer of Rs. 15,00,00,000.00 (Rupees Fifteen Crores Only), from the Canara Bank to the Central Bank of India, Bhangagerh you did not take the permission of the competent authority and misled the MD of the corporation into signing the two letters dated 31-07-2020 to the Chief Manager, Canara Bank, Mallgaon Branch and another to the Central Bank, Bhangagarh Branch by misusing your position of trust and apart from commission of criminal breach of trust and moral turpitude have also committed misconduct punishable under the appropriate Rules of the AIDC Employees Conduct Discipline and Appeal Rules, 1985, for which also you are charged under Rule -5(17) of the said Rules.

Charge No-4

That while discharging your duty as the Financial Controller of the AIDC in the accounts department, you intentionally and with dishonest Intention deposited an amount of Rs. 15,00,00,000.00 (Rupees Fifteen Crores Only) in a hoax account operated by an individual by deliberately ignoring the official parking account of the Central Bank of India, Bhangagarh Branch by exposing and putting the said property of AIDC, into risk and causing loss to the public property deliberately for your personal gain and therefore have committed theft for which you are charged as such under Rule-5(1), 5(5), of the AIDC Employees Conduct Discipline and Appeal Rules, 1985 alongwith Rule 466 (1) of the Assam Financial Rules.

Charge No-5

That at your insistence, for depositing the amount of Rs. 15,00,00,000.00 (Rupees Fifteen Crores Only) being the matured amount under Fixed deposit with the Canara Bank, Maligaon Branch in the Non Parking Individual account of some private person namely Sri Raj Mohammed In Central Bank of India, Bhangagarh Branch, you collusively allowed one D. Karmakar, falsely claiming to be the Chief Manager of the Central Bank of India to visit your office without verifying the credentials of the said person and being in collusion sent a fraudulent letter dated 31-07-2020, which was not found in the official records of the AIDC, and another e-mail dated 3-8-2020 and by another e-mail dated 4-08-2020, you had transferred the said amount to the said bogus account No. 3839506126 maintained and operated by a private individual namely Sri Raj Mohammed. During Enquiry all the correspondences alleged by you to be with the competent authority in the Central Bank of India were found to be false and forged which had been done by you Intentionally to defraud and caused a loss to the property of the AIDC, you are hereby charged with Rule 5 (1), 5 (5), 5 (9) and 5 (17) of the AIDC Employees Conduct, Discipline and Appeal Rules, 1985.

Charge No-6

That while exercising authority as the Financial Controller of the AIDC, you Intentionally delayed the redeposit/reinvestment of the matured amount of Rs. 15,00,00,000.00 (Rupees Fifteen Crores Only) with any commercial bank/financial Institution providing higher rate of interest, which you were authorized to do for a period of 45 days, w.e.f. 16-06-2020 to 29- 07-2020 during which the said matured amount had to remain idle in the Canara Bank in the account no.2308401005361/1 and thereafter within a period of two days w.e.f. 30-07-2020 to 31-07-2020 (date of transfer), the entire money was transferred to the bogus account for your own collateral gain detrimental to the interest of the corporation by showing a false sense of urgency, which apart from unbecoming of a public servant reflects absolute lack of integrity and devotion to duty, for which you are liable to be prosecuted for violation of Rule- 4(1) (I), (II) (III), (2) of the said AIDC Employees Conduct, Discipline and Appeal Rules, 1985.

Your above conduct are prejudicial to the Interest of the Corporation and violates the conduct Rules of the Corporation.

Being a responsible Officer of AIDC Ltd. this is unbecoming on your part and amounts to misconduct as per the "AIDC EMPLOYEES-CONDUCT, DISCIPLINE AND APPEAL RULES, 1985

You are therefore, charged with-

- 1. Acting in a manner prejudicial to the interests of the Corporation and misconduct.*
- 2. Negligence of duty.*
- 3. Theft, fraud and dishonesty in connection with the business or property of the AIDC.*
- 4. Willful insubordination and/or disobedience to the orders passed by the superior officer of the corporation.*
- 5. Commission of illegal acts, which amounts to criminal offence involving moral turpitude;*
- 6. Abetting Illegal acts for defrauding and/or causing loss to the corporation or it's properties amounting to misconduct.*

You should submit your written explanation within 10 (ten) days from the date of receipt of this communication provided you do not intend to Inspect the documents which have relevance with the issues. In case you intend to Inspect those documents you should writ the undersigned for the same within 3 (three) days from the date of receipt of the communication and submit your explanation there after within 7 (seven) days from the date of completion of the inspection. Your written statement stating whether you desire to be heard in person should be submitted to the undersigned."

6] The petitioner duly submitted his reply and participated in the disciplinary proceedings pursuant to which the enquiry report dated 30.10.2021 was submitted holding that all the charges were proved against the petitioner and recommending appropriate action as fit and proper to be taken against the petitioner by the Management. Learned Senior Counsel for the petitioner submits that a bare perusal of the enquiry report reveals that the Enquiry Officer while conducting the enquiry relied upon the preliminary enquiry report while arriving at his findings holding that the charges have been proved against the petitioner.

Learned Senior Counsel for the petitioner submits that the same cannot be done as it would amount to violation of the basic principles of natural justice as the petitioner was never permitted to participate in the preliminary enquiry and therefore, any finding or any material that may have been available in the preliminary enquiry report could not have been relied upon by the Enquiry Officer. That apart, a copy of the preliminary enquiry report was also not furnished to the petitioner and no opportunity to rebut those findings in the preliminary enquiry was afforded to the petitioner.

7] Under such circumstances, the learned Senior Counsel submits that the enquiry report dated 30.10.2021 submitted by the Enquiry Officer cannot be accepted to be conducted as per the procedure and as per law. Consequently, the impugned Order dated 23.03.2022 issued by the Managing Director AIDC terminating the petitioner from services is also bad in law and therefore, the same should be set aside and quashed. Learned counsel for the petitioner has placed reliance of the judgment of the Apex Court rendered in *Nirmala J Jhala vs. State of Gujarat & Anr.* reported in (2013) 4 SCC 301.

8] Learned counsel for the respondents strongly opposes to the contentions of the learned Senior Counsel for the petitioner. He relies upon the affidavit-in-

opposition filed on behalf of the AIDC. The counsel for the respondents submits that there is no dispute that the petitioner was employed as Financial Controller at the relevant point in time and the transfer of such a huge amount of money from the account of the AIDC could not have been done without the active involvement of the petitioner. He submits that the enquiry was conducted entirely as per the procedure prescribed in law and opportunity was granted to the petitioner to respond to the charges made against him. The petitioner also participated in the enquiry proceedings and therefore, there was no infirmity in the manner in which the enquiry was conducted as alleged by the petitioner. Accordingly, no interference is called for. He submits that from the enquiry report, it is clearly evident that the petitioner was actively involved in the matter relating to transfer of the amount from the account of the AIDC and the same was fraudulently done by the petitioner as is evident from the enquiry report. He, therefore, submits that there is no infirmity in the enquiry conducted and appropriate punishment has been meted out by the Department and as such, the prayer of the petitioner for interference with the enquiry proceedings and the enquiry report cannot be accepted and the writ petition ought to be dismissed as being devoid of any merit. He further submits that the law laid down by the Apex Court in the *Nirmala J Jhala* (supra) is not applicable to the facts and circumstances of the present case.

9] The rival submissions of the parties have been considered. Pleadings on record have been carefully perused.

10] The short question before this Court is whether the earlier preliminary enquiry conducted by the Department was relied upon and if so, whether that is permissible in view of the law laid down by the Apex Court in *Nirmala J. Jhala* (supra). In *Nirmala J. Jhala* (supra) the issue before the Apex Court was to challenge the Departmental enquiry as well as the consequential order of the termination against the petitioner therein who was a Judicial Officer in the State of Gujarat. The Apex Court by this authoritative judgment had considered the following legal issues:

- (i) Standard of proof in departmental enquiry which is quasi criminal/ quasi judicial in nature.
- (ii) Duty of Higher Judiciary to protect Subordinate Judicial Officers.
- (iii) Scope of judicial review.
- (iv) Punishment in corruption cases.

11] Insofar as the present proceeding is concerned, the legal issue no. (i) and (iii) would be relevant. In the said case a preliminary enquiry was also conducted against the appellant therein, in which the statements of the complainant and some other witnesses were recorded. The Apex Court after examining the materials available before the Court came to a finding that the

High Court on the administrative side as well as on the judicial side had placed a very heavy reliance on the statements of the witnesses made in the preliminary enquiry conducted by the Vigilance Officer. It is in this context the Apex Court decided to answer the question as to whether it was permissible for either of them to take into consideration their statements recorded in the preliminary enquiry, which was held behind the back of the appellant and for which she had not been granted any opportunity. The Apex Court after examining several earlier judgments rendered by the Apex Court held that the preliminary enquiry and its report loses significance/importance once the regular enquiry is initiated by issuing the charge sheet to the delinquent. It was held that such action would be in violation to the principles of natural justice and consequently, the Apex Court interfered with the enquiry report as well as the order of compulsory retirement issued against the appellant.

12] In view of the law laid down by the Apex Court in *Nirmala J. Jhala* (supra) the enquiry conducted by the Department in respect of the present petitioner will now have to be examined. In the opening lines of the enquiry report, it is revealed that the Enquiry Officer examined all papers and documents connected with the matter, including the earlier departmental enquiry submitted by Sri D K Deka, GM retired. This earlier departmental enquiry report is the preliminary enquiry report which is referred to by the petitioner and not disputed

by the respondents. The report of the preliminary enquiry conducted is enclosed to the affidavit-in-opposition filed by the respondents.

13] In the preliminary enquiry, the statements of the accounts personnel were recorded. These personnels were Md. Sukhman Ali, Cashier Account Deptt of AIDC, Mr. Agasty Bhuyan, Tally Operator, Sri Rajiv Medhi, AFC and Sri OP Agarwala (the petitioner), FC. That apart, other accounts personnel, namely, Sri Montu Deka, Accounts Officer, Sri Kuberun Baruah, Accounts Officer and Sri Dhiraj Das, Superintendent of Accounts were also examined during the preliminary enquiry.

In the impugned enquiry report dated 30.10.2021 it is seen that the Enquiry Officer had conducted the enquiry on the charges leveled against the petitioner. It is seen that during the enquiry proceedings the statements of the various witnesses were duly recorded by the Enquiry Officer. There is no dispute that during the enquiry process, all opportunities were granted to the petitioner to cross-examine the witnesses and submit his list of documents and witnesses etc.

14] Upon due perusal of the enquiry report submitted by the Enquiry Officer dated 30.10.2021 as well as the preliminary enquiry report dated 01.09.2021, it is seen from the enquiry report that the Enquiry Officer had referred and relied upon to the preliminary enquiry report more than once. From

a perusal of the preliminary enquiry report, it is seen that some of the witnesses were examined during the preliminary enquiry report were also examined during the disciplinary proceedings and the reference of which are found in the enquiry report. The respondents have not been able to show that the findings in the preliminary enquiry did not materially affect the enquiry proceedings conducted by the Enquiry Officer. It is clear from the perusal of the enquiry report that the Enquiry Officer had relied upon the preliminary enquiry report during the departmental enquiry conducted by the Department. It is clear from the preliminary inquiry report that no opportunity was granted to the petitioner at the time of conducting the preliminary enquiry and these facts are not disputed by the respondents.

15] Subsequently, by memorandum dated 19.05.2021 a show cause was issued with charges to which the petitioner had replied on 25.06.2021. Being not satisfied with the reply, the departmental proceedings were initiated. Once the formal disciplinary proceedings were initiated, the preliminary conducted earlier by the Department completely lose its significance and value. The evidence recorded in preliminary enquiry cannot be used in regular enquiry as the delinquent employee was not associated with it and no opportunity to cross examine the witnesses were given to the delinquent employee. So any reliance on this evidence would be violative of the principles of natural justice. Natural Justice

is an inbuilt and inseparable ingredient of fairness and reasonableness. Strict adherence to the principle is required whenever civil consequences follow as a result of the order passed. Natural justice is a universal justice. In certain factual circumstances, even non observance of rule will itself result in prejudice. In the facts of this case, from a bare perusal of the enquiry report, it is seen that references are made to the preliminary inquiry report conducted earlier. As such, it is evident that during the course of the disciplinary proceedings the Enquiry Officer relied upon the materials and/or the findings in the preliminary enquiry. There is no dispute that this preliminary enquiry was conducted behind the back of the petitioner and no opportunity was granted to the petitioner to examine any witnesses whose statements were recorded during the preliminary enquiry or test the veracity of any documents relied upon. As such, in view of the principle of law laid down in *Nirmala J. Jhala (supra)* this Court has no option but to hold that the enquiry officer relied upon the preliminary enquiry report during the disciplinary proceedings conducted against the petitioner which is evident from the enquiry report itself. Under such circumstances, such enquiry conducted has to be held to be in violation of the principles of natural justice and is therefore hit by Article 14 of the Constitution of India. Therefore, there was no occasion for the Enquiry Officer to refer to and/or rely upon the preliminary enquiry report against the petitioner. The findings arrived at during the preliminary enquiry cannot be used

against the petitioner in the formal disciplinary proceedings, inasmuch as, no opportunity of participation and hearing was offered to the petitioner during the course of preliminary enquiry.

16] Under such circumstances, this Court is of the considered view that the reliance placed by the Enquiry Officer upon the preliminary enquiry report conducted earlier by the Department is completely contrary to the law postulated by the Apex Court and therefore, it cannot be accepted to be a correct procedure. This Court upon giving its anxious consideration to the issues involved as well as having regard to the law laid down by the Apex Court is of the considered view that the enquiry report dated 30.10.2021 submitted by the Enquiry Officer pursuant to the disciplinary proceedings/enquiry initiated against the petitioner by the Department is required to be interfered with and set aside. The matter is accordingly remanded back to the Department to proceed with a *de novo* enquiry against the petitioner. The Department will not rely upon the preliminary enquiry report dated 07.11.2020 earlier conducted by the department. The petitioner will be treated to be under suspension and will be granted subsistence allowances as per provision of law. After completion of the de novo enquiry, the disciplinary authority will thereafter arrive at its conclusion on the basis of the enquiry report as may be submitted and thereafter consequential orders would be passed by the Department as per provision of law.

17] In view of the above discussions, the enquiry report dated 30.10.2021 as well as the impugned order dated 23.03.2022 issued by the Managing Director, AIDC terminating the petitioner from service is also set aside. The Department may proceed with the de novo enquiry immediately upon receipt of a certified copy of this order. The petitioner will be treated to be under suspension till such orders are passed by the disciplinary authority. Upon the conclusion of the enquiry, directed to be proceeded with de novo and the recommendations of the Enquiry Officer, if the petitioner is absolved in the enquiry process then his service benefits will be released to him without any further delay.

18] With the above observations, the writ petition stands disposed of. No order as to cost.

JUDGE

Comparing Assistant