

GAHC010206702016



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

Case No. : WP(C)/5188/2016

ON THE DEATH OF HABIBUR RAHMAN HIS LEGAL HEIRS, 1. RAKIBUR RAHMAN

S/O LT. HABIBUR RAHMAN, R/O MAZID ROAD, SANTIPUR, P.O. BHARALUMUKH, GHY-9, DIST- KAMRUP(M), ASSAM

2: RAFIZUR RAHMAN
S/O LT. HABIBUR RAHMAN
R/O MAZID ROAD
SANTIPUR
P.O. BHARALUMUKH
GHY-9
DIST- KAMRUP(M)
ASSA

VERSUS

THE ASSAM SEEDS CORPORATION LTD. and 2 ORS
REP. BY THE CHAIRMAN, BOARD OF DIRECTORS, KHANAPARA, GHY- 21.

2:THE MANAGING DIRECTOR
ASSAM SEEDS CORPORATION LTD.
KHANAPARA
GUWAHATI-21.

3:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER and SECRETARY
AGRICULTURE DEPARTMENT
DISPUR
GUWAHATI-781006

Advocate for the Petitioner : MS.A CHOUDHURY, MRP BHARDWAJ,MR.T N SRINIVASAN,MR.M K CHOUDHURY,MR.N BARUAH

Advocate for the Respondent : SC, AGRI. DEPARTMENTR 3, ,MR.S CHAMARIA(R-2),MR.D

SHARMA(R-2),MR.M PHUKAN(R-2)

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

Judgment & Order (Oral)

Date : 31.07.2024

Heard Mr. M. K. Choudhury, learned Senior Counsel assisted by Ms. D. Bora, learned counsel for the petitioner. Also heard Mr. S. Chamaria, learned counsel appearing for the respondents no. 1 & 2.

2. At the outset, it is to be noted that the present proceedings were instituted by Mr. Habibur Rahman. However, during the pendency of the present proceeding, he having expired on 17.05.2021, his legal heirs had filed an Interlocutory application being IA(C)/3648/2023 for substituting them in place of said Habibur Rahman. The said Interlocutory application was allowed by this Court, vide an order dated 15.12.2023 and the legal heirs of said Habibur Rahman were allowed to be substituted in his place. Accordingly, in the present order, Habibur Rahman is referred to as "the original petitioner" and his heirs so substituted are referred to as "the petitioners".

3. The original petitioner has instituted the present proceeding, presenting a challenge to an order dated 07.07.2008, issued by the Managing Director, Assam Seeds Corporation Limited, dismissing him from his services on account of his conviction in a criminal case. The original petitioner has further prayed for his reinstatement in services on his conviction by the learned Trial Court being set aside by this Court, vide Judgment and Order

dated 06.12.2013 in Criminal Appeal No. 119/2007.

4. The facts in brief, requisite for adjudication of the issues arising in the present proceeding are noticed herein under:-

I. The original petitioner, who was initially appointed as Farm Man on 05.04.1984 in the Assam Seeds Corporation Limited (hereinafter referred as 'the Corporation'), while working as a Field Officer at Morigaon Sale point, came to be placed under suspension, vide an order dated 27.08.1999; pending drawal of Disciplinary Proceeding against him, basing on an allegation of misappropriation by him of an amount of Rs. 71,00,000/- (Rupees Seventy One Lakhs) as noticed by the Audit Officer, auditing the accounts of the Corporation. Thereafter, vide an order dated 25.01.2000, issued by the Managing Director of the Corporation, the original petitioner came to be dismissed from his services w.e.f. 24.01.2000 for misappropriation of the funds of the Corporation, amounting to Rs. 77,37,070.57/-.

II. Being aggrieved, the original petitioner, assailed the said order dated 25.01.2000; before this Court by way of instituting WP(C)/4109/2000.

III. This Court, vide order dated 24.01.2002, on considering the issues arising in the matter, proceeded to dispose of the said writ petition, directing the respondent authorities to consider the representation as preferred by the original petitioner against the order of his dismissal from service.

IV. In terms of the directions as passed by this Court, the Secretary, Government of Assam, Agriculture Department, vide order dated

30.05.2002; on consideration of the representation as submitted by the provisions of Rule 9 of the "Assam Services (Disciplinary Appeal) Rules, 1964" (hereinafter referred as 'the Rules of 1964) was not complied with, held that the order of dismissal as passed by the authorities of the Corporation in respect of the original petitioner herein was bad in law and not sustainable. Accordingly, it was directed that the original petitioner be reinstated in his service with immediate effect, subject to the condition that his period of dismissal shall be treated as suspension and de-novo proceedings be initiated against him, afresh.

V. In pursuance to the said order dated 30.05.2002, the Managing Director of the Corporation, vide order dated 31.05.2002, proceeded to reinstate the original petitioner in his services as Field Officer and posted him in the Headquarter of the Corporation with immediate effect and until further order, by incorporating a condition therein that the period w.e.f. the date of his dismissal till his reinstatement, shall be treated to be under suspension and for initiation of a de-novo proceedings against him.

VI. At this stage, it is to be noted that with regard to the allegation as existing against the original petitioner of misappropriation of funds of the Corporation, an FIR came to be lodged before the Officer In-charge, Anti-Corruption Bureau, Police Station, Assam, which was registered as ACB P.S. Case No. 14/2001, under Section 13(2) of the Prevention of Corruption Act, 1988. The police, on completion of the investigation in the matter, submitted a Charge-sheet under Section 13 (2) of the Prevention of Corruption Act, 1988 against the original petitioner and the trial therein, had started in the Court of the learned

Special Judge, Gauhati, Assam in Special Case No. 19(A)/2003.

VII. On conclusion of the trial, the learned Special Judge, Gauhati, Assam, proceeded to hold the original petitioner guilty of the charge as leveled against him and convicted him in the said matter, vide Judgment and Order dated 09.05.2007. The original petitioner, on his such conviction, was sentenced to undergo Rigorous Imprisonment of 2(two) with fine of Rs. 10,000/-, in default; further imprisonment of 6(six) months.

VIII. On the original petitioner being so convicted in the criminal proceeding as instituted against him, the Managing Director of the Corporation, proceeded vide the order dated 07.07.2008 to dismiss the original petitioner from his services with immediate effect. It is to be noted that the said penalty of dismissal came to be imposed upon the petitioner by invoking the provisions of Rule 10 of the said Rules of 1964, basing on his conviction by the learned Trial Court.

IX. The original petitioner assailed the Judgment and Order dated 09.05.2007, passed by the learned Special Judge, Guahati, Assam in Special Case No. 19(A)/2003, before this Court by way of instituting the Criminal Appeal No. 119/2007.

X. This Court, upon appreciating the evidences as brought on record in the trial so held against the petitioner before the learned Special Judge, Guahati, Assam and also noticing that the prosecution sanction of the original petitioner was not so issued with the approval of the Board of Directors of the Corporation, proceeded to set aside the conviction and sentencing of the original petitioner herein by the

learned Trial Court.

XI. Thereafter, the original petitioner approached the Managing Director of the Corporation, vide a representation dated 18.12.2015, intimating the said authority about his acquittal from the criminal case and praying for his reinstatement in services. The said application having not been considered, the original petitioner had instituted the present proceeding.

5. Mr. M. K. Choudhury, learned Senior Counsel, appearing for the original petitioner by reiterating the facts as noticed hereinabove has submitted that the dismissal of the original petitioner as effected vide the order dated, 07.07.2008, having been so effected, solely basing on his conviction in the criminal trial, the very conviction having been so interfered with by this Court in the appeal so filed by the original petitioner, the basis for imposing the penalty of dismissal from service of the original petitioner, stood removed; and accordingly, the original petitioner was required to be reinstated in his service.

6. Mr. M. K. Choudhury, learned Senior Counsel, by referring to the provisions of Rule 10 of the said Rules of 1964, has contended that the said Rule would be permissible to be so invoked when a Government servant is convicted on a criminal charge and the Disciplinary Authority, on consideration of the conduct, which had led to his conviction can pass orders thereon as it deems fit. Mr. Choudhury, learned Senior Counsel has further contended that when the provisions of Rule 10 of the said Rules of 1964 is so invoked, the procedure for conducting a Disciplinary Proceeding and imposition of penalty therein, as provided for, under the provisions of Rule 9

of the said Rules of 1964, is not mandated to be so followed.

7. Mr. M. K. Choudhury, learned Senior Counsel, basing on the above premises has submitted that the conviction of the original petitioner having been set aside by this Court, in the appeal so filed by the original petitioner, there being no departmental proceeding instituted against the original petitioner and penalties imposed against him therein, on passing of the Judgment and Order dated 06.12.2013 by this Court in Criminal Appeal No. 119/2007, interfering with the conviction and sentencing of the original petitioner herein by the Trial Court, the original petitioner was required to be reinstated in his services with immediate effect. Mr. Choudhury, accordingly, prays that the original petitioner must be deemed to have been reinstated in his services w.e.f. the date, this Court had interfered with the order of conviction and sentencing, passed against the original petitioner by the learned Trial Court in the criminal proceeding so instituted against him, with all consequential benefits. Mr. Choudhury, learned Senior Counsel, further prays that the period of suspension of the original petitioner in pursuance to his earlier dismissal from service as effected, vide the order dated 25.01.2007, is also called for to be so regularized as on duty with all consequential benefits.

8. Mr. M. K. Choudhury, learned Senior Counsel, further submits that the original petitioner having expired during the pendency of the present proceeding, the service benefits now due to the original petitioner, including his salaries, are now required to be so authorized to his legal heirs i.e., to the petitioners herein.

9. Per contra, Mr. S. Chamaria, learned counsel appearing for the

respondents no. 1 & 2 has submitted that the learned Trial Court having found the allegation of misappropriation against the original petitioner to have been established, proceeded to convict him in the criminal proceeding so instituted and thereafter, sentenced him to undergo Rigorous Imprisonment for 2(two) years and a fine of Rs. 10,000/-, in default, further imprisonment for 6(six) months. The learned Trial Court, having held the allegation of misappropriation against the original petitioner to have been so established, the respondent authorities had not committed any error in dismissing the original petitioner from his services, on such conviction, in a criminal case, vide the order dated 07.07.2008.

10. Mr. S. Chamaria, learned counsel by referring to the Judgment and Order, dated 06.12.2013, passed by this Court in Criminal Appeal No. 119/2007, has contended that the said order was so passed on a technicality of the prosecution sanction not being issued in respect of the original petitioner by following the procedure mandated. Accordingly, he submits that the findings as recorded by the learned Trial Court, basing on the evidences coming on record, not having been so interfered with, and the conviction of the petitioner having been so interfered only on the basis of the technicality of the prosecution sanction not being issued in the manner required in respect of the original petitioner, the original petitioner herein was not entitled to be reinstated in his services. Accordingly, Mr. Chamaria, further submits that with regard to the amount so misappropriated by the original petitioner, a civil proceeding was also instituted against him by way of filing Money Suit No. 16/2000 by the Corporation herein.

11. The learned Trial Court, on consideration of the matter, had vide

Judgment and Order dated 25.11.2008, decreed the said suit against the original petitioner herein for recovery of Rs. 77,37,070.57/- with interest @ 6% from the date of institution of the suit till realization. Mr. Chamaria, learned counsel for the respondents, on the basis of the conclusions reached by the learned Civil Court, in Money Suit No. 16/2000, proceeds to submit that the amount due from the original petitioner having been so quantified and it being an admitted position that the said amount is recoverable from the original petitioner, the allegation leveled against the original petitioner is deemed to have been so established and accordingly, contends that there would arise no occasion for the Corporation to revoke the penalty of dismissal so imposed upon the original petitioner herein.

12. In the above premises, Mr. Chamaria, learned counsel in support of his contentions had relied upon the decision of the Hon'ble Supreme Court in the case of **The Divisional Controller, KSRTC Vs. M. G. Vittal Rao**, reported in **(2012) 1 SCC 442**.

13. I have heard the learned counsels to the parties and also perused the materials brought on record.

14. The original petitioner herein, was basing on an allegation of misappropriation of funds of the Corporation placed under suspension and thereafter, dismissed from his services vide an order dated 25.01.2000. In pursuance to the directions passed by this Court, the representation as preferred by the original petitioner was so considered and the authorities on reaching a conclusion that the order of dismissal was so passed against the original petitioner without following the procedure as mandated under Rule 9 of the said Rules of 1964, he was directed to be reinstated in his services,

however, with the stipulation that the period w.e.f. the date of his dismissal till his such reinstatement shall be treated to have been spent under suspension and de-novo proceedings against him, shall be started.

15. It is seen that although the original petitioner was reinstated in his services vide order dated 31.05.2002, with the stipulation that the period w.e.f. his dismissal till his such reinstatement would be treated as to have spent under suspension, no departmental proceedings came to be so instituted against the original petitioner herein.

16. The criminal proceeding so instituted against the original petitioner, on a Charge-sheet being filed therein was considered by the learned Special Judge, Guahati, Assam, in Special Case No. 19(A)/2003.

17. On conclusion of the trial so conducted, the allegations so leveled against the original petitioner was held to be so established and the Trial Court proceeded to convict and sentence him to undergo Rigorous Imprisonment for 2(two) years with a fine of Rs. 10,000/-, in default, further imprisonment for 6(six) months.

18. The Judgment and Order dated 09.05.2007, as passed by the learned Special Judge; Gauhati, Assam in Special Case No. 19(A)/2003 was assailed by the original petitioner by instituting Criminal Appeal No. 119/2007.

19. This Court, on noticing the evidences coming on record as well as that the prosecution sanction in respect of the original petitioner, in connection with the said criminal case was not accorded in the manner so required, proceeded to set aside the conviction and sentencing of the original petitioner by the learned Trial Court and acquitted the original petitioner

from the charge so leveled against him. The conclusions, as reached by this Court in the matter, being of relevance, are extracted herein below:-

“19. It appears from the evidence of PW-17 that some of the properties of the accused were purchased by father-in-law of the accused. Some of the properties were in the name of wife of the accused received by her from her father. The car as well as some of Bank accounts was in the joint name of the accused and his wife. Some assets such as rickshaws and other gifts were shown to be received by the wife of the accused at the time of her marriage. The expenditures with regard to the education of the children of the accused were mentioned without investigation. PW-17 admitted in his cross-examination that he did not personally investigate the expenditure with regard to the education of children of the accused. He also admitted that the wife of the accused is an income tax assessee but her income and expenditure were not shown in the charge sheet.

20. In view of the aforesaid evidence and for the want of necessary sanction, the conviction and sentence passed against the accused are liable to be set aside and accordingly, it is set aside.”

20. A perusal of the said conclusions would go to reveal that this Court had not set aside the conviction and sentence, passed respect of the original petitioner by the learned Trial Court only on the ground of there being no valid prosecution sanction, but, was also so done on appreciating the evidences coming on record.

21. The above being the position, it is now required to be seen as to whether on the conviction and sentencing of the original petitioner herein being interfered by this Court, in an appeal filed in the matter, would also have the effect of rendering the order of dismissal as passed in respect of the original petitioner, vide the order dated 07.07.2008, ab-initio void.

22. It is a settled position of law that on a conviction of a Government employee, in a criminal charge, his Disciplinary Authority would be at liberty to consider the conduct of the Government servant leading to his conviction in the said criminal case. The said power of the Disciplinary Authority flows from the provisions of Clause 'a' of the second proviso to Article 311(2) of the Constitution of India. The said Rules of 1964, in Rule 10(i) also incorporate the same very provision as contained in the Clause 'a' of the second proviso to Article 311(2) of the Constitution of India. Accordingly, the Disciplinary Authority of a Government servant, on his conviction in a criminal charge can, on consideration of the circumstances of the case, proceed to impose a penalty of dismissal upon such Government servant on the ground of his conduct, which had led to his conviction on a criminal charge.

23. It is also settled by the decisions of the Hon'ble Apex Court that the power of the Disciplinary Authority to impose a penalty upon a Government servant on his conviction in a criminal charge is not impaired by any appeal or revision that may have been so filed in the matter by the concerned Government employee.

24. The said power is also not impaired in the event; the Appellate Court had suspended the sentence so imposed by the learned Trial Court. The said position is on account of the language of the Clause 'a' of the second proviso to Article 311(2) of the Constitution of India, as well as of Rule 10 (i) of the said Rules of 1964, which speaks of the "conduct, which has led to his conviction on a criminal charge". The said provisions do not speak of the sentence or punishment so awarded. Accordingly, merely because the

sentence is suspended and/or the accused is released on bail by the Appellate Court, the conviction does not cease to be operative.

25. In view of the above position, it is to be concluded that the respondent authorities had committed no error in proceeding to issue the order dated 07.07.2008, imposing penalty of dismissal from service upon the original petitioner, on his conviction in a criminal charge.

26. Having drawn the above conclusions, the order dated 07.07.2008 would now be considered by this Court.

27. A perusal of the order dated 07.07.2008, would go to reveal that the original petitioner was imposed with the penalty of dismissal from service only on the basis of the Judgment and Order dated 09.05.2007, passed by the learned Special Judge, Gauhati, Assam in Special Case No. 19(A)/2003. The said order does not reveal that in addition to the criminal proceeding so instituted against the original petitioner, Disciplinary Proceedings were also drawn up against him in the matter, wherein, the allegation so leveled against him was so established. The Managing Director of the Corporation had only relied upon the conclusions reached by the Trial Court in the matter to hold the petitioner to be guilty of misappropriation of the funds of the Corporation, so alleged against him. Accordingly, it can be safely concluded that the order dated 07.07.2008, is solely based on the conviction of the original petitioner by the Trial Court in the criminal proceeding so instituted against him and not on any other ground.

28. Before proceeding further, this Court would examine the contention of the learned counsel appearing for the respondents no. 1 & 2 to the effect that the interference made by this Court, vide Judgment and Order dated

06.12.2013 in Criminal Appeal No. 119/2007, with the conviction and sentencing of the original petitioner by the learned Trial Court was on account of a technicality i.e. the prosecution sanction against him, not having been granted by following the procedure mandated.

29. The said submission of the learned counsel for the respondents no. 1 & 2, on being considered in the light of the conclusions arrived at by this Court, vide the Judgment and Order dated 06.12.2013, is found to be clearly misplaced, inasmuch as, the conclusions drawn by the Court in the matter (extracted hereinabove) would go to show that the interference made in the conviction and sentencing of the original petitioner by the Trial Court, was not only on the ground of prosecution sanction not being issued against him in the manner required, but, also so done on examining the evidences coming on record, more particularly, the evidences of PW-17. Accordingly, the conviction and sentencing of the original petitioner was not so interfered with by this Court only of the ground of a technicality but, was so done on a cumulative basis after noticing the evidences as coming on record in the trial against the original petitioner, as well as the issue of the prosecution sanction.

30. Coming back to the consideration of the issue so involved in the present proceeding, it is seen that on the interference made by this Court with the Judgment and Order dated 09.05.2007, passed by the learned Special Judge, Guahati, Assam in Special Case No. 19(A)/2003, the basis for imposition of the penalty of dismissal from service upon the original petitioner; vide the order dated 07.07.2008, stood removed. Accordingly, in pursuance to the Judgment and Order dated 06.12.2013, passed by this Court in Criminal

Appeal No. 119/2007, the penalty of dismissal as imposed upon the original petitioner, vide the order dated 07.07.2008 was rendered unsustainable.

31. As noticed hereinabove, the order dated 07.07.2008, being solely so issued considering the conviction and sentencing of the original petitioner by the learned Trial Court, the same having been interfered with by this Court, and there being no Departmental Proceeding instituted in the matter against the original petitioner, the order dated 07.07.2008, after passing of the said Judgment and Order dated 06.12.2013 in Criminal Appeal No. 119/2007, would require an interference from this Court.

32. In view of the above conclusions, this Court is of the considered view that the conviction and sentencing of the original petitioner by the Trial Court vide the Judgment and Order dated 09.05.2007, having been so interfered with by this Court in Criminal Appeal No. 119/2007, the penalty of dismissal from service as imposed upon the original petitioner cannot be sustained and accordingly, the order dated 07.07.2008, stands set aside.

33. At this stage, the decisions as relied upon by the learned counsel for the respondents no. 1 & 2 of the Hon'ble Supreme Court in the case of **M.G. Vittal Rao (supra)**, is required to be considered.

34. A perusal of the said decision would go to reveal that the issue arising before the Hon'ble Supreme Court in the matter was as to whether a Disciplinary Proceeding would be maintainable, after the delinquent employee was acquitted in a criminal proceeding, basing on the same allegations. The Hon'ble Supreme Court in the said decision concluded that the question of considering reinstatement after decision of acquittal or discharge by a competent Criminal Court would arise only, if the dismissal

from service of the delinquent employee was based on conviction by the criminal Court in view of the provisions of Clause 'a' to the second proviso of Article 311 (2) of the Constitution of India or, analogous provisions in the statutory rules, applicable in a case.

35. The Hon'ble Supreme Court proceeded to further conclude that in a case where a departmental enquiry has been held independently of the criminal proceeding, acquittal in a criminal Court would be no help to such delinquent employee.

36. The conclusions as drawn by the Hon'ble Supreme Court in Paragraphs 11 & 24 of the said decision being of relevance, is extracted herein below:-

“11. The question of considering reinstatement after decision of acquittal or discharge by a competent criminal Court arises only and only if the dismissal from services was based on conviction by the criminal Court in view of the provisions of Article 311(2)(b) of the Constitution of India, 1950, or analogous provisions in the statutory rules applicable in a case. In a case where enquiry has been held independently of the criminal proceedings, acquittal in a criminal Court is of no help. The law is otherwise. Even if a person stood acquitted by a criminal Court, domestic enquiry can be held, the reason being that the standard of proof required in a domestic enquiry and that in a criminal case are altogether different. In a criminal case, standard of proof required is beyond reasonable doubt while in a domestic enquiry it is the preponderance of probabilities that constitutes the test to be applied.

24. Thus, there can be no doubt regarding the settled proposition that as the standard of proof in both the proceedings is quite different, and the termination is not based on mere conviction of an employee in a criminal case, the acquittal of the employee in criminal case cannot be the basis of taking away the effect of departmental proceedings. Nor can such an action of the department be termed as double jeopardy.

The judgment of this Court in Capt. M. Paul Anthony (supra) does not lay down the law of universal application. Facts, charges and nature of evidence etc. involved in an individual case would determine as to whether decision of acquittal would have any bearing on the findings recorded in the domestic enquiry.”

37. In view of the said position, it is held that the decision of the Hon’ble Supreme Court in the case of **M.G. Vittal Rao (supra)**, would not be applicable in the facts of the present case and the same would not advance the case projected by the respondents no. 1 & 2 herein.

38. The penalty as imposed upon the original petitioner having been interfered with by this Court and the original petitioner having already expired during the pendency of the present proceedings, no further Departmental Proceeding being permissible to be so instituted in the matter against the original petitioner, this Court passes the following directions:-

- a) The period of suspension of the original petitioner w.e.f. 27.08.1999 till his reinstatement in services, effected vide the order dated 31.05.2022, shall now be regularized ‘as on duty’ entitling the original petitioner herein to receive his full pay and allowances for the said period including revisions of pay that may have been occasioned during the said period.
- b) The period of service of the original petitioner w.e.f. 07.07.2008 till the date of his retirement, on reaching the age of superannuation i.e. till 31.12.2019, shall be so regularized ‘as on duty’ entitling the original petitioner to full pay and allowances for the said period, including the benefits of revision of pay, if so occasioned, during the said period.

- c) The original petitioner would also be entitled to any pensionary benefits, including pension (if applicable) w.e.f. the date of his superannuation, till the date of his death i.e. till 17.05.2021.
- d) The pay and allowances as now held to be receivable by the original petitioner, in terms of the directions passed herein above, would be so computed by the respondent authorities of the Corporation and released to the present petitioners (legal heirs), substituted against the original petitioner in the present proceeding.
- e) In the event, the present petitioners and/or any other legal heirs of the original petitioner is entitled to any pension, the same also be authorized to such legal heirs, as would be determined by the respondent no. 2 in the matter.
- f) The exercise now mandated to be carried out in the matter for compliance of the directions as passed hereinabove, shall be so initiated and concluded by the Managing Director, Assam Seeds Corporation Limited, i.e. the respondent no. 2, herein, within a period of 3(three) months from the date of receipt of a certified copy of this order.

39. Before parting with the records of the present proceedings, it is required to be observed that the contentions as made by the learned counsels to the parties, pertaining to the proceeding in Money Suit No. 16/2000 is not considered by this Court in the present order, save and except to state that the same cannot be the basis for imposition of a penalty of dismissal from service and/or the continuance of the order dated 07.07.2008.

40. With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant