

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.746 of 2024

Sri Mithan Das,
S/o Late Hari Bandhu Das,
Vill-Joynagar,
P.O.- Teliamura, P.S.-Teliamura,
District-Khowai, Tripura.

.....Petitioner(s)

Versus

- 1. The State of Tripura,** represented by the Chief Secretary, Government of Tripura, New Secretariat Complex, Kunjaban, P.S.-N.C.C., District- West Tripura, PIN-799006.
- 2. The Principal Secretary,** Department of Forest, Government of Tripura, New Secretariat Complex, Kunjaban, P.S-N.C.C., District- West Tripura, PIN-799006.
- 3. The Principal,** Chief Conservator of Forest (Disciplinary Authority), Government of Tripura, Pandit Nehru Complex, Gorkhabasti, Kunjaban, P.S. N.C.C., District-West Tripura, PIN-799006.
- 4. The Divisional Forest Officer,** Teliamura Forest Division, P.O. Teliamura, District-Khowai, Tripura, PIN-799205.
- 5. The Divisional Forest Officer,** Chakmaghat Beat Office, Teliamura Forest Range Office, Teliamura.
- 6. The Inquiry Authority,** of D.P. No.59/Inq/CDI/Forest/2014, Office of the Commissioner of Departmental Inquiry, Gorkhabasti, Kunjaban, Agartala.

----Respondent(s)

For Petitioner(s)	:	Mr. Anjan Kanti Pal, Adv.
For Respondent(s)	:	Mr. Mangal Debbarma, Addl. GA
Date of hearing	:	05.05.2025
Date of delivery of Judgment & Order	:	13.05.2025
Whether fit for reporting	:	YES

HON'BLE MR. JUSTICE BISWAJIT PALIT
Judgment & Order

By way of filing the present writ petition, the petitioner has prayed for the following reliefs:

"i) Admit the writ petition of the petitioner;

ii) Issue notice upon the respondents;

iii) Call for the relevant records from the custody of the respondents;

iv) After hearing the parties, Your Lordship would be kind enough to set aside/quash/cancel the entire long pending departmental proceeding and inquiry report & Your Lordship would be kind enough to set aside/quash the Final Punishment order dated 05/10/2023 passed by the Disciplinary Authority against the petitioner for fair ends of justice.

v) After hearing your Lordship would be kind enough to set aside/quash the order of Appellate Authority dated 11/07/2024 for fair ends of justice.

vi) To pass any order/orders as deem fit and proper by Your Lordship;"

2. Heard Learned Counsel, Mr. Anjan Kanti Pal appearing on behalf of the petitioner. Also heard Learned Addl. GA, Mr. Mangal Debbarma appearing on behalf of the State-respondents.

3. Brief facts of the case, in short, is that the petitioner in the year 2013 was posted at Chakmaghat Beat Office under Teliamura Forest Range of Teliamura Forest Division and a report was initiated by the Divisional Forest Officer(in short, DFO), Teliamura Forest Division addressing to the District Forest Officer, West Tripura, Agartala, that on 29.12.2013, the DFO, Teliamura made a random visit at Chakmaghat (Mungiakami) Beat Office at about 12:30 p.m. and found no staff present in the Range Office and the Range Office was found under lock and key. Harendra Debbarma, the Range Officer informed him that he was out of station and then the DFO asked Sri Mithan Das to come over when Sri Mithan Das informed that he is at Agartala. Accordingly, the respondent No.3 issued a memorandum dated 02.09.2014 upon the petitioner informing that he intends to hold an inquiry against the petitioner under Rule 14 of CCS (CC&A) Rules, 1965 and in the said memorandum, the respondent No.3 enclosed the statement of article of charges framed against the

petitioner(*Annexure-A* to the writ petition). The article of charges framed against the petitioner are mentioned here as under:

Article-I

Sri Mithan Das, Forester while functioning as the Beat Officer, Chakmaghat Beat of Mungiakami Range under Teliamura Forest Division committed serious misconduct by not maintaining the cash books and made serious irregularities in handling the government fund of 13 JFMCs as Member Secretary of JFMCs. He is charged for using cash books which were found not certified by the Divisional Authority in as many as 6 JFMCs managed by him. Moreover he has used wooden pencil for making entry in cash books. This is a serious misconduct for violation of Rule-3(1) (iii) of Tripura Civil Service (Conduct) Rules, 1988 & he is charged for violation of conduct Rules.

Sri Mithan Das, Forester while functioning as the Beat Officer, Chakmaghat Beat of Mungiakami Range under Teliamura Forest Division involved in defalcation of government money. In Parija Bodol JFMC Sri Mithan Das, Forester received a cheque from the Project Manager on 12.08 2013 bearing No. 330727, but the cheque was not deposited to JFMC bank a/c in time. Thus he is charged for willful negligence of government duty and serious misconduct

Article-II

Sri Mithan Das, Forester has been found out of station on 29.12.2013 without any approval of the competent Authority. This is unbecoming of a Government employee which is a violation of both Tripura Civil-Service Leave Rule as well as Tripura Civil Service (Conduct) Rules, 1988.

Article-III

Sri Mithan Das, Forester did not maintain the record of JFMCs in accordance to the JFMC resolutions adopted by the Government. As required plantation Journal and Nursery Journal were not maintained. This is gross negligence and willful disobedience to the Rules and resolutions and standing instructions of Government. Thus, he violated Tripura Civil Service (Conduct) Rules, 1988.

Further, according to the petitioner after receipt of memorandum dated 02.09.2014 from respondent No.3, he submitted written statement on 08.09.2014 against the charges levelled against him and prayed for exonerating him from the alleged article of charges(*Annexure-B* to the writ petition).

After receipt of the written statement, the respondents started inquiry against the petitioner on the basis of article of charges framed against him wherein both the parties adduced their evidences and finally the Inquiring Officer submitted report. According to the petitioner, no inquiry report was supplied to him. It was also submitted that in the month of January, 2022 the respondents issued a promotional list to the junior of the petitioner depriving him from getting promotion in his department as he was a senior employee of the department and due to pendency of the departmental proceeding case No.59/2014, the petitioner was not given promotion in the post of "Ranger". The departmental proceeding was initiated in the year 2014 but even after elapsing of 10 years, the same could not be concluded. So, the petitioner filed a writ petition bearing WP(C) No.39/2022 before this Court and this Court vide judgment and order dated 21.01.2022 directed the respondent to complete the departmental proceeding within 4(four) months. The respondents thereafter, filed one interlocutory application vide IA No.1 of 2022 in WP(C) No.39/2022 but that interlocutory application of the respondent was dismissed. Thereafter, the petitioner filed contempt case bearing Cont.Cas(C) No.67/2023 against the respondents. However, the respondents filed WA No.147/2022 before this Court. During pendency of the writ appeal, the respondents issued final punishment order on 05.10.2023 and after receipt of the copy of the punishment order, the petitioner submitted appeal on 07.10.2023 before the appellate Authority. However, as the appeal was not disposed of, the petitioner again approached this Court vide WP(C) No.387/2024 and this Court vide order dated 18.06.2024 directed the respondents

authority to dispose of the appeal within 4(four) weeks from the date of receipt of the copy of the order dated 18.06.2024. After that, the appellate authority disposed the appeal on 11.07.2024(*Annexure-L* to the writ petition). The operative portion of the order of the appellate authority runs as under:

"5. On careful examination of all relevant aspects of the case and in view of the above observations based on the facts and circumstances of the case, the undersigned as Appellate Authority has come to the conclusion that the penalty imposed by the Disciplinary Authority is appropriate and therefore, it has been decided to confirm the penalty of withholding of one increment of pay without cumulative effect.

6. Let the copy of this order be served to the concerned."

It is the grievance of the petitioner that he was innocent and he has been falsely implicated in the departmental proceeding since 2014 and after elapsing of 10 years he has been given punishment without any basis. So, the petitioner has filed the present writ petition seeking the reliefs as stated above.

4. The state-respondents have contested the case by filing counter affidavit. In para Nos.8 to 10, the state-respondents have asserted the following facts:

"8. That, in reply to para 7 & 8 of the writ petition, I say that the statements made by the petitioner is totally false. The inquiring Authority conducted the inquiry in conformity with the provision of Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 and submitted his findings dated 18.05.2022 to the Disciplinary Authority vide letter No. F.2 (27)/INQ/CDI/2022/972 dated 10.06.2022.

Copy of full set findings of the Inquiring Authority dated 18.05.2022 is annexed herewith and marked as ANNEXURE-R/1.

Accordingly, as per provision of Rule 15(2) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, a copy of the findings of the Inquiring Authority was supplied to the petitioner vide Memorandum No.F.19 (806)/VIG/FOR-2014/16771-75 dated, 14.09.2023 with a direction to furnish his written representation, if any, against

the findings of the Inquiring Authority within 15 days from the date of receipt of the memo.

Copy of Memorandum No.F.19 (806)/VIG/FOR-2014/16771-75 dated, 14.09.2023 is annexed herewith and marked as ANNEXURE-R/2.

It is to be mentioned here that as per findings of the Inquiring Authority, he was found guilty for the Articles of charge -II & III.

9. That, in reply to para 9 of the writ petition, I say that due to pendency of the Disciplinary Proceedings drawn up against him, he was not free from vigilance angle and hence, he was not given promotion to the post of FR. The Departmental Proceedings case was ended with penalty of withholding of increment of pay without cumulative effect & period of suspension w.e.f 13.01.2014 to 18.06.2014 was treated as spent on duty for all purposes vide order dated 05.10.2023 of the Disciplinary Authority (Annexure-F to the writ petition).

10. That, in reply to para 10 & 11 of the writ petition, I say that the findings of the Inquiring Authority was sent to the disciplinary authority with supplying copy to the instant petitioner with a direction to furnish his written representation, if any, against the findings of the Inquiring Authority within 15 days from the date of receipt of the memo.

I say that on receipt of the findings of the IA, the petitioner submitted his representation directly to the Chief Secretary, Govt. of Tripura showing him as Appellate Authority on 07.10.23 (Annexure-G to the writ petition) but the Chief Secretary is not the Appellate Authority in case of Group B & C employees. The petitioner also stated false information in his representation that the penalty order has been automatically quashed as the inquiring authority has failed to comply the order of this Hon'ble court. But real fact is that the observation made by the Hon'ble Single Judge by an order dated 21/01/2022 passed in WP(C) 39 of 2022 was stayed by the Division Bench of this Hon'ble Court by an order dated 28.08.2023 passed in IA No. 2 of 2022 in WA 147 of 2022 and thereby, there is no question arises for non-compliance of the court's observation passed by the Hon'ble Single Judge. Finally, the intra-court State appeal has been disposed on 26.02.2024 with observation as the disciplinary proceeding is pending against the petitioner, therefore, to complete its finality and if the petitioner is aggrieved by the said proceeding to challenge the same (Annexure-E to the writ petition). Thereafter, the petitioner filed 2nd writ registered as WP(C) 387 of 2024 and disposed on 18.06.2024 with direction to dispose the appeal within four weeks by the appellate authority (Annexure-K to the writ petition) and disposed the appeal on 11.07.2024 by the appellate authority (Annexure-L to the writ petition).

Copy of stay order dated 28.08.2023 passed in IA No. 2 of 2022 in WA 147 of 2022 is annexed herewith and marked as ANNEXURE-R/3."

Along with the counter affidavit the state-respondents have also annexed the copy of findings of the inquiring authority dated 18.05.2022(Annexure-R/1) and some other documents marked as Annexure-R/2, R/3 etc and finally the State-respondents by the counter affidavit prayed for dismissal of the writ petition.

5. At the time of hearing, Learned Counsel for the petitioner submitted that the State-respondents made false imputation of charges against him without any basis and to substantiate the article of charges, the prosecution side could not adduce any material evidence on record. The petitioner as AO, in support of his defense adduced witnesses but the inquiring authority without appreciation of the evidence on record came to the observation that article of charges under Article II and III were duly proved and article of charges under Article I could not proved by the prosecution side and on the basis of that, the disciplinary authority most arbitrarily and without cogent evidence on record, imposed punishment by order dated 05.10.2023(*Annexure-F* to the writ petition) which needs to be interfered with. Thereafter, challenging the same, the petitioner preferred an appeal to the appellate authority who also by order dated 11.07.2024 most arbitrarily rejected the appeal preferred by the petitioner. According to the petitioner the order dated 11.07.2024 needs to be interfered with and set aside.

6. On the other hand Learned Addl. GA appearing on behalf of the State-respondents submitted that the State-respondents have submitted their counter affidavit and in the counter affidavit

the State-respondents have elaborately discussed about the imputation of article of charges against the petitioner and relying upon Annexure-R/1, Learned Addl. GA submitted that although before the inquiring authority three article of charges were framed but Article of Charge I could not be proved and Article of Charges II and III were duly proved. The petitioner as AO could not adduce any rebuttable evidence on record to disbelieve the said article of charges framed against him. Learned Addl. GA submitted that there was no infirmity in the findings of the inquiring authority dated 18.05.2022. So, the present petition is liable to be dismissed. Learned Addl. GA further submitted that the present petitioner could not make out any case to be interfered with the findings of the inquiring authority and furthermore, although the petitioner approached this Court for disposal of the departmental proceeding and as per direction of this Court, the appellate authority disposed of the proceeding within time. However, in dealing with the matter, a considerable period of time was consumed. Learned Addl. GA submitted that this cannot be a ground for interfering with the findings of the disciplinary authority as well as the appellate authority and prayed for dismissal of this writ petition.

7. The petitioner filed rejoinder against the counter affidavit but on perusal of the rejoinder it appears that the same was nothing but reiteration of the contents of the writ petition.

8. I have heard both the sides at length and perused the documents annexed with the writ petition as well as the counter affidavit filed by the State-respondents. I have also perused the

findings of the inquiring authority dated 18.05.2022 and the evidence on record of the parties.

9. On perusal of the findings of the inquiring authority it comes to fore that the inquiring authority has elaborately discussed about the evidence on record of the parties and finally came to the conclusion that the Article of Charge I was not proved but came to the observation that Article of Charges II and III were duly proved.

10. Hon'ble Supreme Court of India in a case reported in **2024 SCC OnLine SC 1908** in **State of Rajasthan & Ors v. Bhupendra Singh** in **Civil Appeal Nos.8456-8549 of 2024** [**@ Special Leave Petition (Civil) Nos.12773-76 of 2021**] in para Nos. 23, 24 observed as under:

23. The scope of examination and interference under Article 226 of the Constitution of India (hereinafter referred to as the 'Constitution') in a case of the present nature, is no longer *res integra*. In *State of Andhra Pradesh v. S Sree Rama Rao*, AIR 1963 SC 1723, a 3-Judge Bench stated:

'7. ... The High Court is not constituted in a proceeding under Article 226 of the Constitution a Court of appeal over the decision of the authorities holding a departmental enquiry against a public servant: it is concerned to determine whether the enquiry is held by an authority competent in that behalf, and according to the procedure prescribed in that behalf, and whether the rules of natural justice are not violated. Where there is some evidence, which the authority entrusted with the duty to hold the enquiry has accepted and which evidence may reasonably support the conclusion that the delinquent officer is guilty of the charge, it is not the function of the High Court in a petition for a writ under Article 226 to review the evidence and to arrive at an independent finding on the evidence. The High Court may undoubtedly interfere where the departmental authorities have held the proceedings against the delinquent in a manner inconsistent with the rules of natural justice or in violation of the statutory rules prescribing the mode of enquiry or where the authorities have disabled themselves from reaching a fair decision by some considerations extraneous to the evidence and the merits of the case or by allowing themselves to be influenced by irrelevant considerations or where the conclusion on the very face of it is so wholly arbitrary and capricious that no reasonable person could ever have arrived at that conclusion, or on similar grounds. But the departmental authorities are, if the enquiry is otherwise

properly held, the sole judges of facts and if there be some legal evidence on which their findings can be based, the adequacy or reliability of that evidence is not a matter which can be permitted to be canvassed before the High Court in a proceeding for a writ under Article 226 of the Constitution.'

(emphasis supplied)

24. The above was reiterated by a Bench of equal strength in *State Bank of India v. Ram Lal Bhaskar*, (2011) 10 SCC 249. Three learned Judges of this Court stated as under in *State of Andhra Pradesh v. Chitra Venkata Rao*, (1975) 2 SCC 557:

'21. The scope of Article 226 in dealing with departmental inquiries has come up before this Court. Two propositions were laid down by this Court in State of A.P. v. S. Sree Rama Rao [AIR 1963 SC 1723 : (1964) 3 SCR 25 : (1964) 2 LLJ 150]. First, there is no warrant for the view that in considering whether a public officer is guilty of misconduct charged against him, the rule followed in criminal trials that an offence is not established unless proved by evidence beyond reasonable doubt to the satisfaction of the Court must be applied. If that rule be not applied by a domestic tribunal of inquiry the High Court in a petition under Article 226 of the Constitution is not competent to declare the order of the authorities holding a departmental enquiry invalid. The High Court is not a court of appeal under Article 226 over the decision of the authorities holding a departmental enquiry against a public servant. The Court is concerned to determine whether the enquiry is held by an authority competent in that behalf and according to the procedure prescribed in that behalf, and whether the rules of natural justice are not violated. Second, where there is some evidence which the authority entrusted with the duty to hold the enquiry has accepted and which evidence may reasonably support the conclusion that the delinquent officer is guilty of the charge, it is not the function of the High Court to review the evidence and to arrive at an independent finding on the evidence. The High Court may interfere where the departmental authorities have held the proceedings against the delinquent in a manner inconsistent with the rules of natural justice or in violation of the statutory rules prescribing the mode of enquiry or where the authorities have disabled themselves from reaching a fair decision by some considerations extraneous to the evidence and the merits of the case or by allowing themselves to be influenced by irrelevant considerations or where the conclusion on the very face of it is so wholly arbitrary and capricious that no reasonable person could ever have arrived at that conclusion. The departmental authorities are, if the enquiry is otherwise properly held, the sole judges of facts and if there is some legal evidence on which their findings can be based, the adequacy or reliability of that evidence is not a matter which can be permitted to be canvassed before the High Court in a proceeding for a writ under Article 226.

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23. The jurisdiction to issue a writ of certiorari under Article 226 is a supervisory jurisdiction. The Court exercises it not as an appellate court. The findings of fact reached by an inferior court or tribunal as a result of the

appreciation of evidence are not reopened or questioned in writ proceedings. An error of law which is apparent on the face of the record can be corrected by a writ, but not an error of fact, however grave it may appear to be. In regard to a finding of fact recorded by a tribunal, a writ can be issued if it is shown that in recording the said finding, the tribunal had erroneously refused to admit admissible and material evidence, or had erroneously admitted inadmissible evidence which has influenced the impugned finding. Again if a finding of fact is based on no evidence, that would be regarded as an error of law which can be corrected by a writ of certiorari. A finding of fact recorded by the Tribunal cannot be challenged on the ground that the relevant and material evidence adduced before the Tribunal is insufficient or inadequate to sustain a finding. The adequacy or sufficiency of evidence led on a point and the inference of fact to be drawn from the said finding are within the exclusive jurisdiction of the Tribunal. See Syed Yakooob v. K.S. Radhakrishnan [AIR 1964 SC 477 : (1964) 5 SCR 64].

24. The High Court in the present case assessed the entire evidence and came to its own conclusion. The High Court was not justified to do so. Apart from the aspect that the High Court does not correct a finding of fact on the ground that the evidence is not sufficient or adequate, the evidence in the present case which was considered by the Tribunal cannot be scanned by the High Court to justify the conclusion that there is no evidence which would justify the finding of the Tribunal that the respondent did not make the journey. The Tribunal gave reasons for its conclusions. It is not possible for the High Court to say that no reasonable person could have arrived at these conclusions. The High Court reviewed the evidence, reassessed the evidence and then rejected the evidence as no evidence. That is precisely what the High Court in exercising jurisdiction to issue a writ of certiorari should not do.

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26. For these reasons we are of opinion that the High Court was wrong in setting aside the dismissal order by reviewing and reassessing the evidence. The appeal is accepted. The judgment of the High Court is set aside. Parties will pay and bear their own costs.'

(emphasis supplied)''

Further, in para No.26 the Hon'ble Apex Court further observed as under:

"26. In Union of India v. K.G. Soni, (2006) 6 SCC 794, it was opined:

'14. The common thread running through in all these decisions is that the court should not interfere with the administrator's decision unless it was illogical or suffers from procedural impropriety or was shocking to the conscience of the court, in the sense that it was in defiance of logic or moral standards. In view of what has been stated in Wednesbury case [Associated Provincial Picture Houses Ltd. v. Wednesbury Corpn., [1948] 1 K.B.

223 : [1947] 2 All ER 680 (CA)] the court would not go into the correctness of the choice made by the administrator open to him and the court should not substitute its decision to that of the administrator. The scope of judicial review is limited to the deficiency in the decision-making process and not the decision.

15. To put it differently, unless the punishment imposed by the disciplinary authority or the Appellate Authority shocks the conscience of the court/tribunal, there is no scope for interference. Further, to shorten litigations it may, in exceptional and rare cases, impose appropriate punishment by recording cogent reasons in support thereof. In the normal course if the punishment imposed is shockingly disproportionate, it would be appropriate to direct the disciplinary authority or the Appellate Authority to reconsider the penalty imposed.'

(emphasis supplied)

Again, in para Nos.27 and 28, Hon'ble the Apex Court observed as under:

"27. The legal position was restated by two learned Judges in State of Uttar Pradesh v. Man Mohan Nath Sinha, (2009) 8 SCC 310:

'15. The legal position is well settled that the power of judicial review is not directed against the decision but is confined to the decision-making process. The court does not sit in judgment on merits of the decision. It is not open to the High Court to reappreciate and reappraise the evidence led before the inquiry officer and examine the findings recorded by the inquiry officer as a court of appeal and reach its own conclusions. In the instant case, the High Court fell into grave error in scanning the evidence as if it was a court of appeal. The approach of the High Court in consideration of the matter suffers from manifest error and, in our thoughtful consideration, the matter requires fresh consideration by the High Court in accordance with law. On this short ground, we send the matter back to the High Court.'

28. Turning our gaze back to the facts herein, we find that the learned Single Judge and the Division Bench acted as Courts of Appeal and went on to re-appreciate the evidence, which the above-enumerated authorities caution against. The present coram, in Bharti Airtel Limited v. A.S. Raghavendra, (2024) 6 SCC 418, has laid down:

'29. As regards the power of the High Court to reappraise the facts, it cannot be said that the same is completely impermissible under Articles 226 and 227 of the Constitution. However, there must be a level of infirmity greater than ordinary in a tribunal's order, which is facing judicial scrutiny before the High Court, to justify interference. We do not think such a situation prevailed in the present facts. Further, the ratio of the judgments relied upon by the respondent in support of his contentions, would not apply in the facts at hand.'

(emphasis supplied)"

11. From the aforesaid principle of law laid down by Hon'ble the Apex Court it comes to fore that the Court cannot interfere with the administrator's decision unless it is illogical or suffers from procedural impropriety or is shocking to the conscience of the Court, in the sense that it is in the defiance of logic or moral standards.

12. Here, in the case at hand, on perusal of the relevant documents it appears that the State-respondents had given all opportunities to the present petitioner to defend his case properly right from filing of written statement to adducing of evidence and during hearing. Learned Counsel for the petitioner could not satisfy this Court as to how the petitioner was prejudiced by the findings of the respondents authority because prior to holding inquiry, the petitioner submitted written statement of defense and before the inquiring authority he had given the scope to cross-examine the witnesses of the prosecution and also he had given the opportunity to adduce his evidence. Not only that at the time of imposition of penalty by the disciplinary authority he was again given the opportunity to submit his statement of defense, if any. Thus, it appears to this Court that the present petitioner has failed to satisfy the Court regarding violation of principles of natural justice by the State-respondents.

13. In a writ petition under Article 226 of the Constitution of India the jurisdiction of the Court is very limited to interfere with the findings of the disciplinary authority unless there is evidence on

record regarding serious violation of natural justice. Even there is very little scope to review or re-asses the evidence on record on the basis of which the inquiring authority found and determined the petitioner to be held guilty for the article of charges.

14. As already stated, Learned Counsel for the petitioner, in course of hearing of argument failed to satisfy the Court any compelling reason for interference with the findings of the disciplinary authority save and except the grounds of delay. However, on perusal of the relevant documents it appears that admittedly there was a delay of 10 years in disposal of the matter resulting which further promotion of the petitioner was withheld. Although, it is the settled position of law that promotion cannot be claimed as a matter of right. The disciplinary authority based on the findings of the inquiring authority imposed the penalty of withholding one increment of pay without cumulative effect and also ordered that the period of suspension with effect from 13.01.2014 to 18.06.2014 be treated as "spent on duty for all purposes". But the said imposition of penalty as per Rule 11 of CCS(CC&A) Rules, 1965 appears to be harsh for the petitioner after elapsing of a long period which in my considered view, needs to be modified.

15. So, after hearing both the sides and also after going through the materials on record it is ordered that the petitioner be inflicted penalty of "censure" in place of withholding of one increment of pay without cumulative effect and accordingly the order of the disciplinary authority dated 05.10.2013 and the

consequent order of the appellate Court dated 11.07.2024 needs to be modified.

16. In the result, the writ petition filed by the petitioner is disposed of with the observation that the petitioner be imposed with the penalty of "censure" in place of withholding of one increment of pay without cumulative effect and accordingly, the order of the disciplinary authority dated 05.10.2013 and consequential order of the appellate authority dated 11.07.2024 stands modified to the extent as stated above.

With this observation, the present writ petition is disposed of.

Pending application(s), if any, also stands disposed.

JUDGE



Snigdha

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