



**Serial No.07**  
**Daily List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

WP (C) No.611/2025

Date of order: 10.12.2025

Chandra Bhushan Prasad

..... Petitioner

Vs.

1. Union of India Represented by the Secretary to the Government of India, Ministry of Communications and IT Department of Post, Dak Bhawan, Sansad Marg, New Delhi-110116.

2. The Chief Post Master General, North East Circle, Shillong-793 001.

3. Director of Postal Services, North East Circle, Shillong-793 001.

4. Senior Superintendent of Post Offices, Meghalaya Division, Shillong-793 001.

..... Respondents

**Coram:**

**Hon'ble Mr. Justice Soumen Sen, Chief Justice**

**Hon'ble Mr. Justice H.S. Thangkhiew, Judge**

**Appearance:**

For the Petitioner : Mr. S. Nath, Adv

For the Respondents : Dr. N. Mozika, DSGI with  
Ms. K. Gurung, Adv

|    |                                                      |        |
|----|------------------------------------------------------|--------|
| i) | Whether approved for reporting in Law journals etc.: | Yes/No |
|----|------------------------------------------------------|--------|

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|-----|--------------------------------------------|--------|
| ii) | Whether approved for publication in press: | Yes/No |
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**JUDGMENT: (per the Hon'ble, the Chief Justice) (Oral)**

The writ petitioner has challenged the order passed by the Central Administrative Tribunal, Guwahati Bench, in which the



disciplinary authority was permitted to issue a fresh charge sheet and initiate a de novo enquiry.

2. The learned counsel for the petitioner has submitted that once the earlier proceedings are quashed and set aside, the authorities concerned cannot resurrect the said disciplinary proceedings on the basis of a charge sheet that had culminated in an order that was under challenge before the Tribunal.

3. The learned DSGI has submitted that, in fact a fresh charge sheet has been issued and the earlier proceedings have been discontinued.

4. It is always open for an employer to initiate disciplinary proceedings by issuing a charge sheet, and if the earlier proceedings are set aside for technical or other grounds that would not prevent the employer from initiating fresh departmental proceedings.

5. However, the appellate authority allowed the appeal of the writ petitioner since “the case has not been dealt with properly under the relevant provisions of Rule 14 of CCS (CCA) Rules, 1965”. Thereafter, in exercise of power conferred upon the appellate authority under Rule 24 of the CCS (CCA) Rules, 1965, upon consideration of the case passed the following order:



“De novo proceeding from the issue of Charge Sheet.”

6. Rule 14 of the CCS (CCA) Rules, 1965, refers to the procedure for imposing penalties. The appellate authority, although has not indicated which of the relevant provisions of Rule 14 of CCS (CCA) Rules, 1965 has not been properly dealt with and allowed the appeal with the aforesaid direction, it can be presumed that there have been procedural irregularities causing prejudice to the writ petitioner and on consideration of the whole case, direction was given for de novo enquiry. The order of the appellate authority unmistakably shows that it would commence from the stage of issuance of the charge sheet. The charge sheet has culminated in imposing penalties by the disciplinary authority and it is this charge sheet which is relevant for consideration.

7. In *Nand Kumar Verma v. State of Jharkhand*<sup>1</sup>[paragraph 26], it was held that when a completed enquiry proceedings is set aside by a competent forum on technical or on the ground of procedural infirmity, fresh proceedings on the same charges is permissible. In the instant case, it can be presumed that there has been procedural infirmities for which the appellate authority has set aside the entire enquiry proceeding.

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<sup>1</sup> (2012) 3 SCC 580



8. The Tribunal relying upon the decision of the Hon'ble Supreme Court in *Chairman-cum-M.D., Coal India Ltd. & ors v. Ananta Saha & ors*<sup>2</sup> [paragraphs 27, 28, 32 and 33) has permitted the disciplinary authority to issue a fresh charge sheet. In the instant case, if the respondents were to follow the direction of the appellate authority, it can hold a fresh proceeding on the same charges from the stage of issuance of that charge sheet. However, the employer is not debarred from initiating a fresh disciplinary proceeding by issuance of a fresh charge-sheet or to continue with the charge sheet already issued.

9. The learned counsel for the petitioner has submitted that the earlier charge sheet has not been withdrawn, and over and above, a second charge sheet has been issued. The issuance of the second charge sheet has been questioned in this proceeding.

10. Dr. N. Mozika on instruction has submitted that the respondents are not proceeding with the said charge sheet and accordingly, it can be safely concluded that the said proceeding has been abandoned by the disciplinary authority. However, it is submitted that a fresh charge-sheet has been issued.

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<sup>2</sup>(2011) 5 SCC 142



11. In view of the aforesaid submission, the apprehension expressed by the learned counsel for the writ petitioner that the writ petitioner be required to face the second charge sheet does not survive. To obviate all controversy in the event, the disciplinary authority decides to initiate fresh disciplinary proceedings, a fresh charge sheet should be issued within a period of 30 days from date, failing which it shall be presumed that the disciplinary authority is not willing to initiate any proceedings against the writ petitioner. All earlier charge sheets shall stand withdrawn.

12. The writ petition is disposed of with the aforesaid direction.

13. The impugned order stands modified to the aforesaid extent.

**(H.S. Thangkhiew)**  
**Judge**

**(Soumen Sen)**  
**Chief Justice**

Meghalaya  
10.12.2025  
"*Lam*" DR-PS