

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Rai Chattopadhyay

WPA 7372 of 2018

with

CAN 2 of 2025

Goutam Goswami

Vs.

LIC of India & Ors.

For the Petitioner

: Mr. Krishnendu Banerjee
: Md. Idrish
: Mr. Ishan Ganguly

For the respondent/LIC

: Mr. Samarjit Roy Chowdhury

Heard on

: 17.07.2026

Judgment on

: 20.08.2026

Uploaded on

: 20.08.2026

Rai Chattopadhyay, J. :-

1. The writ petitioner is an erstwhile employee of the respondent/Life Insurance Corporation of India, earlier appointed on 31st March, 1983 and dismissed from service with effect from 11th March, 2016. Lastly, the petitioner was posted at Howrah Divisional Office as a Manager (B & AC). The instant writ petition is filed by the petitioner with two-fold prayers firstly, for reinstatement in service with retrospective effect along with all arrear/promotional and consequential benefits, by setting aside the order of dismissal dated 11th March, 2016 and rejection of his subsequent representation dated 3rd February, 2018. Secondly, the petitioner has prayed for release of all arrear benefits as compensation, immediately after his reinstatement in service.
2. The issue of petitioner's reinstatement in service has now become irrelevant in so far as on 31st August, 2019 the petitioner has reached his scheduled date of superannuation, upon attaining such

age. Therefore, the instant writ petition is essentially for payment of arrear salary and consequential benefits to the petitioner in case the order of dismissal of him dated 11th March, 2016 is found to be not maintainable.

3. The instant case has a long-standing and checkered background. The Chief Manager issued a letter dated 8th November, 2013 informing one Mr. P.C. Adak, Agent (Code No. 36743411) that on 29th October, 2013 at the time of CLIA mentorship payment, an amount of Rs. 79 thousand was wrongly and doubly paid to the account of that agent through NEFT system. It is alleged that such overdrawal of an amount of Rs. 79 thousand was made at a time when the system was being handled by the present petitioner. Consequent upon such letter of the Chief Manager dated 8th November, 2013, Shri P.C. Adak deposited the amount of Rs. 79 thousand to the credit of the respondent/Corporation on the same date that is, 8th November, 2013.
4. According to the writ petitioner, he had never suppressed the fact of erroneous transaction having been made through him in the system resulting into overdrawal of excess amount of Rs. 79 thousand in favour of Agent, Shri P.C. Adak. He says that the said fact was duly disclosed to the higher authority by him on 19th November, 2013. However, the petitioner is aggrieved that his bona fide and unintentional error has never been considered by the authority and a letter dated 11th December, 2013 was issued to him. The petitioner though replies thereto vide letters dated 18th December, 2013 and 26th December, 2013, those letters also remained unattended by the respondent authority. That the petitioner explained his bona fide, his ignorance as to how to use the module and refund of the said amount of money by the Agent, causing no monetary loss for the respondent authority. Though he alleges that all these had not persuaded the respondent to appropriately consider the matter and find the petitioner's bona fide and innocence in the same.
5. As a result, a charge-sheet was issued against the writ petitioner dated 10th February, 2015 alleging violation of provision of the Staff Regulation particularly that under Regulations 21 and 24 read with Regulation 39(i)(o) to (g).
6. Consequently, the departmental proceeding was initiated against the petitioner vide letter dated 15th June, 2015 of the disciplinary authority and letter of the enquiry officer dated 9th July, 2015.

- 7.** According to the petitioner, allegedly, neither his reply to the charge-sheet dated 27th February, 2015 nor his submissions made in the enquiry proceeding held on 4th August, 2015 and 21st August, 2015 have been considered by the respective authority. The petitioner has stated to have produced voucher No. 1427 dated 8th October, 2013, which the petitioner has admitted to have been deposited wrongly in account of Agent Mr. P.C. Adak and passbook of Mr. Adak was also relied on to show that the transaction was only a financial error and not an intentional misappropriation. The petitioner is aggrieved that the enquiry officer has come to a finding that the voucher No. 1427 dated 8th October, 2013 was showing pending at least up to 29th October, 2013 and could not be submitted by the petitioner. It was found that while processing the payment on 29th October, 2013, the module was showing the previous voucher dated 8th October, 2013 to be still pending.
- 8.** Further proceeding has shown that, the petitioner's comment was invited and submitted with respect to the written brief of the presenting officer, by virtue of letter dated 28th September, 2015; petitioner replied to the same by letter dated 1st October, 2015. The enquiry officer's report was served upon the petitioner on 17th October, 2015 to which the petitioner replied vide letter dated 6th November, 2015. A second show cause notice was served upon the petitioner on 25th January, 2016, to which also, the petitioner had replied. Ultimately, the dismissal order dated 11th March, 2016 was passed by the respondent authority. Challenging the dismissal order as above, the petitioner filed statutory appeal on 16th March, 2016 which stood dismissed vide the order of the Appellate Authority dated 7th June, 2016.
- 9.** On the allegation of non-production of material documents due to non-availability of the same at the material point of time, the petitioner further wanted to reopen the enquiry proceeding by submitting representations and prayer vide letters dated 29th December, 2016 and 6th February, 2017. However, by letter of the Senior Divisional Manager dated 23rd March, 2017 the petitioner's prayer as above was rejected for the reason that all the statutory remedial measures having already been existed by the petitioner, there was no scope for further consideration of the prayer of the petitioner.
- 10.** The petitioner's first writ petition was No. W.P. 22630W of 2017 challenging the order of dismissal dated 11th March, 2016. The

Court passed an order dated 25th October, 2017 allowing the petitioner to furnish further exhaustive representation before the respondent authority and its time-bound consideration by the respondent. Accordingly, the petitioner submitted his representation dated 13th November, 2017. The same was however, rejected by the respondent authority by dint of its order dated 3rd February, 2018.

- 11.** Another application No. CAN 2 of 2025, filed by the present petitioner is pending and being heard along with the present writ petition. That is, by the writ petitioner/applicant praying for payment of gratuity. According to the petitioner in terms of Rule 77(5) of the Life Insurance Corporation of India (Staff) Rules, 1960 the petitioner would be entitled for payment of gratuity. The petitioner has alleged that by depriving him of that the respondent authority has denied justice to the petitioner in violation of the statutory provision.
- 12.** The petitioner's argument is principally centered around his grievance and allegation as regards non-maintainability of the enquiry proceeding, as well as its final result, which has culminated into his dismissal. Mr. Krishnendu Banerjee, learned advocate for the petitioner has submitted inter alia that the petitioner's bona fide error in operating the accounts system online, has resulted into erroneous deposit, though duly recovered on detection. Thus, according to him, no financial loss has been caused to the employer due to such bona fide error committed by the petitioner. He has strongly opposed to the finding of the enquiry officer against the petitioner that, had due diligence been maintained by the petitioner, such kind of error could have been avoided, by stating that since there was no financial loss caused, a remark as above from the enquiry officer is only unwarranted. The observation of the enquiry officer about the mistake being an intentional one by the present petitioner has been vehemently opposed. The petitioner has stated that through various letters written by him from time to time to the respondent authority, in response to its order/direction/queries, the petitioner has duly elaborated and justified as to why the entire incident happened only due to his bona fide inadvertence and no intentional latches were ever involved. It is submitted that financial business is done by the respondent authority on large scale basis. Therefore this kind of error and also refund, is a regular phenomena in the course of business of the respondent Authority. It is further submitted that allegation of fraud brought against the petitioner at a

belated stage, in the charge sheet for the first time, is an afterthought action taken by the respondent against him. It is submitted that no further steps like lodging of a criminal case against the petitioner on the allegation of fraud has ever been undertaken by the respondent authority. Mr. Banerjee Has submitted that this is enough to show the baselessness of the charge of fraud against the petitioner.

- 13.** Mr. Banerjee has mentioned about Rule 39(1)(c) of the Staff Rules 1960. He submits that the said Rule provides for minor penalties. By referring to Rule 39(1)(c) of the Staff Rules, 1960, Mr. Banerjee has submitted that one of the minor penalties as prescribed thereunder is recovery of the pecuniary loss caused to the Corporation by negligence or breach of orders. Since admittedly, the so-called defalcated amount of Rs. 79 thousand has been recovered by the respondent from the concerned agent, Mr. Banerjee has submitted that by operation of Rule 39(1)(c), no further penalty, that too, of the major penalty of dismissal from service can be awarded against the petitioner or else, the petitioner should be considered as doubly jeopardized. It is submitted that the 2nd charge against the writ petitioner could not be proved in enquiry. That, in cumulative effect of the two reasons as above stated, the major punishment of dismissal from service awarded to the writ petitioner stands as disproportionate. That, as a result the writ petitioner has to suffer double jeopardy. Mr. Banerjee has submitted that a man cannot be twice vexed in law. Also, that allegations and charges against him under the Rule 31(1)(g) are not attracted and substantiated at all, for the reason that evidently there was no financial loss suffered by the respondent due to the alleged acts of the writ petitioner.
- 14.** It has been further submitted that the decision of the enquiry officer as well as that of the Disciplinary Authority suffers from gross perversity, in so far as the authority has failed to bring on record all the relevant documents relating to the alleged transaction on record at the enquiry stage. That, such failure has resulted into erroneous and perverse decision as regards the alleged misconduct of the writ petitioner. Even when the petitioner himself produced those records by obtaining the same through an application filed under the Right to Information Act, for the authority's consideration, his such prayer has been unreasonably and arbitrarily refused by the same. Thus, the petitioner's valuable rights have been denied by the said respondent Corporation.

- 15.** Finally, according to the writ petitioner there exists deliberate discriminatory exercise, being meted out against him by the respondent authority as no steps have been taken against the other persons involved in accounting and transaction, apart from the writ petitioner. Therefore, according to the writ petitioner he has been subjected to discrimination and victimisation. The petitioner seeks relief that the Court may grant him salary and consequential benefits including gratuity [upon attaining age of superannuation], after setting aside the order of dismissal dated 11th March, 2016.
- 16.** For benefit of discussion, let Rule 39(1)(c) be quoted as hereinbelow:

“Penalties:

*39. (1) Without prejudice to the provisions of other rules, [any one or more of] *the following penalties for good and sufficient reasons, and as hereinafter provided, be imposed [by the disciplinary authority specified in Schedule-I]* on an employee who commits a breach of rules of the Corporation, or who display negligence, inefficiency or indolence or who knowingly does anything detrimental to the interest of the Corporation, or conflicting with the instructions or who commits a breach of discipline, or is guilty of any other act prejudicial to good conduct-*

Minor Penalties:

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(c) recovery from pay or such other amount as may be due to him of the whole or part of any pecuniary loss caused to the Corporation by negligence or breach of orders;

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- 17.** The respondent/Life Insurance Corporation is represented by Mr. Samarjit Roy Chowdhury, learned advocate. The respondent has disputed about the bona fide as pleaded by the petitioner and occurrence of any unintentional error by him in depositing the amount of Rs. 79 thousand on account of CLIA Training and Mentorship programme to the agent by the present petitioner on October 29, 2013. That is, for the reason that immediately before that on October 08, 2013 an amount of Rs. 71,058/- (after deduction of income tax) was already credited for the same reason in account of the said agent namely Mr. P.C. Adak. The respondent says that on verification it was found that the second payment was

made through green voucher dated October 29, 2013, which was not generated by the usual accounting module and also that CLIA code number was not mentioned in the said voucher. It is further submitted that, since the said amount of money was not disbursed through the usual payment module, the same remained unaccounted for and not shown in the payment history of the agent. Mr. Roy Chowdhury has submitted that the same has been the reason for which the actual total income of the agent could not be ascertained for the purpose of calculation of income tax and also other purposes whereas payment to the said agent through green voucher earlier on October 08, 2013 was done through valid official procedure.

- 18.** Mr. Roy Chowdhury has further indicated that the petitioner has been a habitual wrong-doer; with respect to him there have been several incidents of defalcations earlier also, and every time the petitioner has been exonerated with or without being awarded with minor penalties. It is informed that, previously due to commission of financial irregularities, the authority initiated disciplinary proceedings against the petitioner on two occasions. Penalty of censure with recovery of Rs. 17,830.40/- was imposed on the petitioner vide order dated March 16, 2004, for financial irregularities towards purchase of stationeries. Again in the year 2012, a penalty of reduction to minimum of the time-scale of pay applicable to his cadre was imposed on him vide order dated September 11, 2012 for misappropriation of premium of Rs. 1,20,000/- during his posting in Kolkata Metropolitan Divisional Office- II. On this occasion, the Appellate Authority had reduced the penalty to reduction in basic pay by five stages in the time scale applicable to his cadre.
- 19.** He submits that a departmental proceeding was initiated, which has proceeded duly in accordance with law and by affording adequate reasonable opportunity of hearing to the present writ petitioner, that the petitioner has taken part in the disciplinary proceeding. The petitioner has been served with the report of enquiry officer, his comments thereupon has been invited and considered; further a second show-cause notice was also issued against the petitioner. Therefore, according to the said respondent, so far as the disciplinary proceeding is concerned, the petitioner cannot successfully raise any challenge as to the same on the ground of violation of his natural justice or any impropriety or illegality. It is

submitted that otherwise in accordance with the law settled, this Court may be slow and enough circumspect to enter into the question of merits and evidence and consideration thereof by the enquiry officer to come to his findings.

20. It is further submitted that in view of the well-established mechanized module of payment being in place, the petitioner could not have any justifiable reason to proceed to pay to the agent through manual payment voucher unless there would have been any mala fide intention of him to bypass the cheques and control involved in the mechanized module of payment. Such intentional mala fide action of the petitioner is now proved in a disciplinary proceeding and the writ Court may not enter into the decision of the fact-finding authority as above unless any palpable illegality, perversity, arbitrariness or violation of natural justice is apparent.
21. For the reasons as above, Mr. Roy Chowdhury, learned advocate appearing for the respondent authority has insisted that the instant writ petition along with the application for payment of gratuity may be dismissed and the decision of the disciplinary authority for the petitioner's dismissal of service as a disciplinary measure may be upheld by this Court.
22. The principal challenge in the present writ petition is, in substance, directed against the departmental enquiry conducted against the petitioner and the findings ultimately recorded therein, which culminated in the order of dismissal. At the outset, it is necessary to keep in view the settled parameters of judicial review in matters arising out of disciplinary proceedings. The jurisdiction of a writ Court under Article 226 is supervisory and not appellate. The Court is concerned primarily with the decision-making process and not with undertaking a fresh appraisal of the evidence as though it were sitting in appeal over the findings of the enquiry officer or the disciplinary authority. The Supreme Court, in **B.C. Chaturvedi versus Union of India, (1995) 6 SCC 749**, has authoritatively explained that judicial review is not an appeal from the decision but a review of the manner in which the decision has been made. The Court is required to examine, inter alia, whether the enquiry was conducted by a competent authority, whether the requirements of natural justice were complied with, whether the findings have some evidentiary foundation and whether the conclusion is such as could reasonably have been reached by the disciplinary authority. The Court does not ordinarily re-appreciate the evidence or substitute its

own conclusion for that of the departmental fact-finding authority. This principle has repeatedly been reiterated by the Supreme Court, including in ***Union of India versus P. Gunasekaran, (2015) 2 SCC 610***, where the limits of interference in disciplinary matters were specifically delineated. The same principle has been reiterated in subsequent decisions. In ***Pravin Kumar v. Union of India, (2020) 9 SCC 471***, the Supreme Court has emphasised that the Constitutional Court does not sit as an appellate authority over a disciplinary proceeding and that interference is warranted only where the decision-making process suffers from a legally recognised infirmity, including violation of natural justice, perversity or a conclusion which no reasonable person could have reached. The distinction between an error in the decision-making process and a mere disagreement with the conclusion reached by the disciplinary authority is therefore fundamental to the exercise of writ jurisdiction.

23. Furthermore, in ***DGM v. Ajai Kumar Srivastava, (2021) 2 SCC 612***, it was held that the power of judicial review of the constitutional courts extend to the evaluation of the decision-making process and not the merits of the decision itself. The objective is to ensure fairness in treatment and not to ensure fairness of conclusion. The Court may interfere, in any manner, if it is inconsistent with the rules of natural justice or violation of statutory rules prescribing mode of enquiry or where the finding reached by the disciplinary authority is based on no evidence. The Apex Court in ***Ex-Constable/Mukesh Kumar Raigar v. Union of India, 2023 SCC OnLine SC 27***, laid down that the power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eye of the Court. When an inquiry is conducted on the charges of misconduct by a public servant, the Court would be concerned only to the extent of determining whether the inquiry was held by a competent officer or whether the rules of natural justice and statutory rules were complied with.
24. The expression “judicial review” in this context is thus not synonymous with “judicial reappraisal”. The Court may interfere where there is an error of jurisdiction, violation of a statutory procedure having civil consequences, breach of the principles of natural justice, consideration of extraneous material, refusal to

consider relevant material placed before the enquiry authority, reliance upon no evidence, or a finding which is so irrational or perverse that no reasonable disciplinary authority, properly instructed in law, could have arrived at it. But the sufficiency or adequacy of evidence, the comparative weight to be attached to different pieces of evidence and the factual inference to be drawn therefrom ordinarily fall within the province of the departmental authorities. The Supreme Court has also made it clear that disciplinary proceedings are not to be tested by the strict rules of evidence applicable to a criminal trial and that the standard ordinarily applicable is that of preponderance of probabilities.

25. Tested on the aforesaid parameters, this Court finds no palpable illegality in the departmental proceeding conducted against the petitioner. There is no dispute, nor has any serious denial been made, that the petitioner was afforded reasonable opportunity to defend himself. The materials disclose that the disciplinary proceeding was duly initiated upon issuance of the charge-sheet; the petitioner participated in the enquiry and placed his defence; his response to the written brief of the presenting officer was obtained; the enquiry report was furnished to him; he was afforded an opportunity to submit his comments thereon; and a further show-cause notice was issued before the disciplinary authority arrived at its final decision. The petitioner also availed himself of the statutory appellate remedy. The sequence of the proceeding is of some significance. The principles of natural justice do not contemplate that a delinquent employee must necessarily succeed in persuading the enquiry officer or the disciplinary authority to accept his defence. What is required is a fair opportunity to know the allegations, to meet the evidence, to place the defence and to respond to the findings proposed to be acted upon. Natural justice guarantees a fair opportunity of defence; it does not guarantee a favourable conclusion. Once such opportunity has admittedly been afforded and there is no demonstrated denial of the opportunity to present the defence, a challenge founded merely upon the rejection of that defence cannot be converted into a complaint of violation of natural justice. The principal grievance now sought to be advanced with regard to the alleged non-consideration of the voucher/document relied upon by the petitioner stands on an even weaker footing. The petitioner contends that certain material documents, including the voucher and related records, ought to have been considered and that the same were subsequently

obtained and sought to be produced for consideration by the authority. The record, however, shows that the petitioner had already participated in the enquiry, submitted his defence, received the enquiry report, submitted his comments thereon and was thereafter heard before the disciplinary authority passed the order of dismissal.

- 26.** More importantly, the particular grievance that the petitioner now seeks to build upon—namely, that the concerned document or voucher was not properly considered in the enquiry—was not raised by him as a procedural or evidentiary infirmity during the enquiry in the manner in which it is now sought to be projected. Nor does it appear that such a grievance was placed before the disciplinary authority as a ground of denial of reasonable opportunity before the dismissal order was passed. The subsequent representations dated December 29, 2016 and February 6, 2017, were attempts to reopen the concluded enquiry on the allegation of non-production of material documents, after the disciplinary and statutory appellate stages had already been exhausted. Such a course cannot ordinarily be permitted. A disciplinary proceeding cannot be treated as an open-ended process in which a delinquent employee, having participated throughout the enquiry and having exhausted the available stages of defence and appeal, may subsequently identify a further piece of material and seek to reopen the entire proceeding on that basis. If a particular document was considered by the delinquent to be indispensable to his defence, the natural and legally appropriate course was to raise the issue before the enquiry officer and, if necessary, before the disciplinary authority and the appellate authority. Failure to raise such an objection at the appropriate stage assumes significance when the employee subsequently seeks to characterise the same circumstance as a denial of natural justice.
- 27.** The principle is not merely one of technical procedural discipline. It flows from the broader doctrine that judicial review examines the legality and fairness of the process as it actually unfolded. A party who had full opportunity to participate in that process cannot ordinarily reserve a grievance, suffer the proceeding to reach its conclusion, exhaust the statutory remedies and thereafter seek to reconstruct the proceeding upon a new factual foundation. The belated assertion therefore cannot, in the facts of the present case, be elevated into a jurisdictional infirmity in the enquiry. The attempt

to reopen the enquiry after the conclusion of the disciplinary and appellate stages appears to be an afterthought rather than a contemporaneous complaint of denial of a fair opportunity. The mere assertion that a particular document was not accepted or that the enquiry officer attached insufficient weight to a particular piece of material does not, by itself, establish perversity. Perversity is not established merely because another view of the evidence is possible. There must be a demonstrable disconnect between the material available on record and the conclusion reached, or the finding must be founded on no evidence, irrelevant considerations, conjecture or such manifestly unreasonable appreciation of the material that the finding becomes legally unsustainable. The Supreme Court has repeatedly maintained this distinction between a finding which is merely debatable and one which is perverse in the legal sense.

- 28.** In the present case, no such perversity is discernible. The enquiry officer has considered the materials placed before him and has recorded findings upon the charges. Whether the petitioner's explanation regarding the nature of the transaction, the voucher and the surrounding circumstances ought to have been given greater evidentiary weight is essentially a question of appreciation of evidence. That exercise belongs, in the first instance, to the enquiry officer and the disciplinary authority. This Court, exercising judicial review, cannot substitute its own assessment merely because another inference may also be possible.
- 29.** It is equally material that the petitioner has not demonstrated any prejudice occasioned to him by reason of any alleged procedural irregularity. The requirement of natural justice is intended to secure fairness and prevent prejudice; it is not an empty ritual to be invoked after the conclusion of the proceeding merely because the ultimate decision has gone against the delinquent. In the present case, the petitioner knew the charges, participated in the enquiry, had opportunity to place his defence, responded to the presenting officer's brief, received the enquiry report, submitted his comments thereto and was thereafter given a further opportunity before the disciplinary authority. The chronology demonstrates repeated opportunities being made available to him at successive stages. The fact that those opportunities did not result in acceptance of his defence cannot, by itself, constitute breach of natural justice. The distinction between "opportunity to be heard" and "acceptance of the

case pleaded” must be maintained. The former is a requirement of fair procedure; the latter is a matter of adjudicatory assessment.

30. It is also well settled that the enquiry officer performs a quasi-judicial function and must arrive at his conclusion upon the materials forming part of the record. At the same time, the writ Court is not expected to undertake a meticulous examination of each item of evidence with a view to determining whether a different conclusion could have been reached. The Court's enquiry is whether there was material upon which the conclusion could reasonably rest and whether the process by which that conclusion was reached was legally fair. The judgment of the Supreme Court in ***M.V. Bijlani v. Union of India, (2006) 5 SCC 88***, is instructive in this regard: while the Court cannot permit findings founded upon no evidence or upon irrelevant considerations, it equally cannot convert judicial review into a fresh departmental enquiry. The Court is also mindful that disciplinary jurisdiction is entrusted to the employer for maintaining discipline in its establishment. The enquiry officer and the disciplinary authority are the primary fact-finding authorities. Interference by the constitutional Court at every stage upon a re-appreciation of evidence would effectively transform the writ proceeding into an appeal and would displace the institutional allocation of functions recognised by the law governing disciplinary proceedings. The restraint exercised by the writ Court is therefore not a matter of judicial reluctance but a consequence of the nature and limits of judicial review itself.
31. Applying the aforesaid principles to the present case, this Court finds no violation of the principles of natural justice, no denial of reasonable opportunity, no demonstrated breach of the prescribed procedure and no material irregularity going to the root of the enquiry. Equally, there is no finding based on no evidence, nor has the petitioner been able to establish that the conclusion reached by the enquiry officer was one which no reasonable person could have reached on the materials available before him. The grievance concerning the subsequently produced document/voucher, having not been raised as such during the enquiry or before the disciplinary authority at the appropriate stage, cannot furnish a basis for reopening a concluded disciplinary proceeding. The Court is unable to discern in the present case any palpable illegality, perversity, arbitrariness, procedural impropriety or violation of natural justice of the nature which would justify interference with the disciplinary

proceeding or the findings emanating there from. It follows that the challenge to the departmental enquiry and the consequential disciplinary action cannot succeed merely on the ground that, according to the petitioner, a different appreciation of the materials, particularly the voucher or other subsequent documents, ought to have resulted in a different conclusion.

- 32.** The Court, accordingly, finds no ground warranting interference with the departmental proceeding or the order of dismissal of the writ petitioner by the disciplinary authority, in exercise of its writ jurisdiction. Accordingly, this writ petition No. WPA 7372 of 2018 fails.
- 33.** Writ petition No. WPA 7372 of 2018 is dismissed. The application No. CAN 2 of 2025 also stands dismissed.
- 34.** Urgent certified copy of this judgment, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)