

W.P.Nos.9269 and 20353 of 2015

DR. ANITA SUMANTH, J.

Order passed on 30.09.2021 required the learned Government Advocate to produce (i) in writing the date of retirement of the Enquiry Officer, (ii) the records to verify whether the process of enquiry and forwarding of report was prior to the date of retirement of officer, (iii) if the date of forwarding of the report or the date of report was after the date of retirement of the officer, a specific query was asked whether this procedure was in line with applicable Regulations. Parties were directed to circulate the applicable Rules and Regulations.

2. Today, learned Government Advocate would orally state that the Enquiry Officer has retired on 31.10.2003. Despite repeated queries as to whether there is any Rule or Regulation that supports the position that a retired Officer of the Government may continue to hold official files for two years after his retirement, formulated an enquiry report in November, 2005, forwarded to the petitioner under cover of memo dated 07.10.2006, there is no response forthcoming. The Hand book of disciplinary proceedings is referred to, but no Regulation or Rule is brought to my attention that would support the aforesaid ludicrous position.

3. In my view, it is wholly inappropriate that an official who is retired on 31.10.2003 continuous as an Enquiry Officer and formulates a report in

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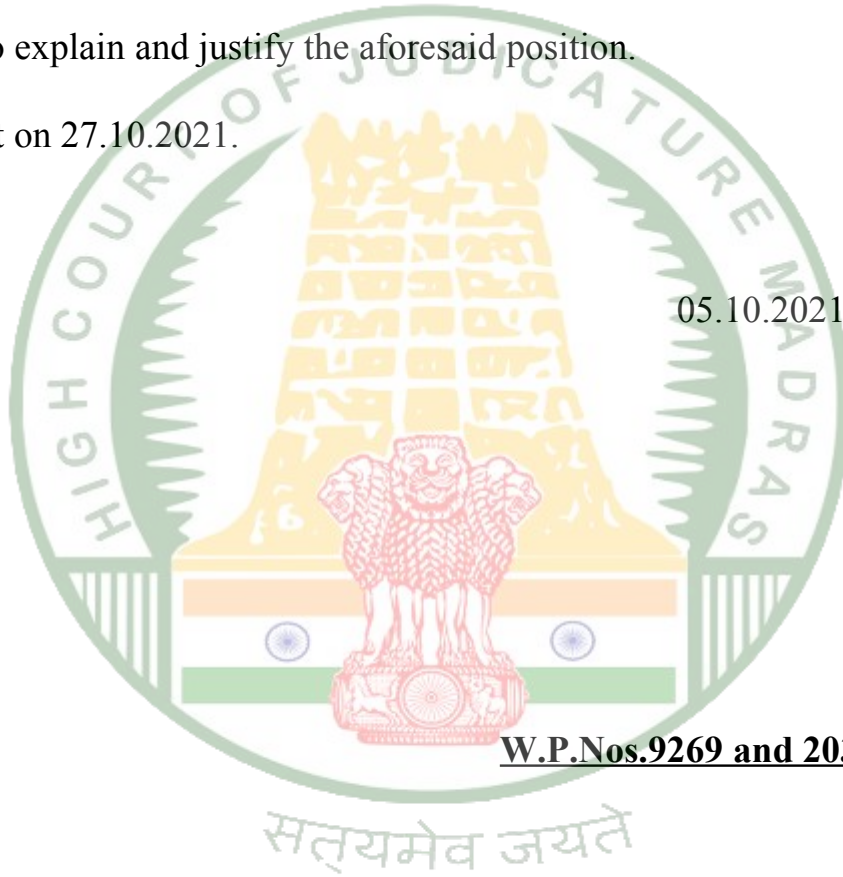
November, 2005, two years after his retirement, such report having been forwarded to the petitioner under cover of memo dated 07.10.2006.

4. Let the concerned officials be present in Court with records on 27.10.2021. Learned Government Advocate is also requested to be present physically to explain and justify the aforesaid position.

5. List on 27.10.2021.

Sl

05.10.2021



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