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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.4802 OF 2020

Ramrao s/o Maroti Shinde,
Age : 42 years, Occu. A.S.I. (R.P.F.),
R/o R.P.F. Barrack, Manmad,
Tq. Nandgaon, Dist. Nashik

..PETITIONER

VERSUS

1. Union of India,
Through Secretary
Ministry of Railway,
(Railway Board),
New Delhi
2. The General Manager,
Central Railway,
Mumbai
3. DIG/Chief Security Commissioner
Office of Principal CSC,
R.P.F., CSMT, Mumbai
4. Senior Divisional Security Commissioner,
RPF, Bhusawal
5. Disciplinary Authority &
Divisional Security Commissioner
R.P.F., Bhusawal

..RESPONDENTS

Mr Swapnil S. Patil, Advocate for petitioner;
Mr M.N. Navandar, Standing Counsel for respondents

**CORAM : RAVINDRA V. GHUGE
AND
S. G. MEHARE, JJ.**

DATE : 13th August, 2021

ORAL JUDGMENT (Per Ravindra V. Ghuge, J.)

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

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2. This matter was heard finally at admission stage on 12th August, 2021. Since it was rising time when the hearing had concluded, we posted it today for dictation of the judgment.

3. The petitioner has approached this Court with the contention that the enquiry was already concluded and yet, a fresh charge-sheet was issued and a fresh enquiry was contemplated. Notice was issued to the respondents on 9th July, 2020. Since none appeared for respondent nos.1 to 5, this Court directed the respondents that they would not pass a final order, though they would be at liberty to conduct the fresh enquiry.

4. The contention of the petitioner as set out in the memo of the petition, can be summarized as under:-

a) A departmental enquiry was initiated in May, 2019 against the petitioner on the ground of forging travelling entries for acquiring excess allowance. This was on a complaint from a Railway employee to the senior authorities of the Railway Protection Force (for short, "Force"). On 22nd July, 2019, an order of punishment, of a minor nature, was issued and the payment of one increment was stopped for a period of six months which would have no effect on his pay scale there beyond (without cumulative effect).

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b) An amount of Rs.4,950/- which was alleged to be excess travelling allowance earned by the petitioner on different occasions, was deducted from his monthly salary payable in March, 2019. This was done before initiating the disciplinary proceeding. Pursuant to the punishment, it is stated that the authorities deducted Rs.19,350/- from the salary of the petitioner payable in December, 2019.

c) The learned Advocate for the petitioner submits that a show cause notice dated 8th November, 2019 was issued to him by respondent no.3, exercising its powers under Rule 219.4 (b) of the Railway Protection Force Rules, 1987. It was stated in the said notice that as insufficient punishment was imposed by respondent no.4 and since the superior authority disagreed with the quantum of punishment, an explanation was sought from the petitioner. The petitioner raised a defence in his reply dated 21.11.2019 that a subsequent fresh enquiry/departmental proceedings for the same misconduct was not permissible. By order dated 2nd December, 2019, respondent no.3 passed an order of withdrawal of the earlier punishment order dated 22.7.2019 and directed respondent no.4 to issue a fresh charge-sheet having regard to a major punishment being in the offing. This was in contravention of Rule 219.4 (b), as per the contention of the petitioner.

d) Pursuant to the notice dated 2.12.2019, a fresh charge-sheet dated 19.12.2019 was issued by respondent no.4 appointing Inspector, Railway Protection Force, Chalisgaon as the Enquiry Officer. The petitioner has

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pleaded in paragraph 4 that *"letter following procedure, inquiry preliminary and final was conducted by recording statement of witnesses as well as of petitioner and considering substantive objection of petitioner of vitiation of said inquiry in light of second departmental proceedings powers are not specifically there as well as conduction of said second inquiry by officer who has held charge of said post in view of riders laid in Railway Board's Master Circular No.67 issued vide I.No.E(D & A) 2001 RG 6-3 dated 20.10.2002, excepting letter contention of petitioner, respondent no.5 by his divisional order dated 25.6.2020, directed for dropping of said second inquiry dated 19.12.2019 bearing No.BSL/153/DE-14/2019 and issuance of fresh charge-sheet. That immediately another charge-sheet dated 25.6.2020 was issued by respondent no.5."*

e) As the respondents realized that the second enquiry was vitiated in the absence of specific powers, a fresh enquiry was directed vide order dated 25.6.2020 and reimbursement of amount deducted from the petitioner in view of the earlier minor punishment awarded.

5. In the backdrop of the submissions of the petitioner, we called upon the learned Advocate to state as to whether an Enquiry Officer was appointed to conduct an enquiry with reference to the show cause notice dated 20.5.2019 and whether he had appointed a defence representative and whether a full-fledged enquiry was conducted by permitting both the sides to record oral and documentary evidence? Both the learned Advocates have stated that an Enquiry Officer was not appointed and a

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full-fledged departmental enquiry was not conducted. It has emerged from the submissions of the learned Counsel for the petitioner and the Force that as the Force had thought of dealing with the misconduct of the petitioner as a minor misconduct, that a full-fledged departmental enquiry was not conducted.

6. The learned Advocate for the Force submits as under:-

a) A senior officer above the disciplinary authority realized that the misconduct committed by the petitioner on 2.7.2018 was not a minor misconduct since it involved the act of manipulating the duty timing so as to earn more allowances, the conduct of the petitioner amounted to misappropriation and dishonesty.

b) In the above backdrop, a show cause notice was issued on 8.11.2019 invoking Rule 146.2 and 146.4. The charge was specifically framed. Since the higher authority realized that a major misconduct is likely to be countenanced since the case was being treated under the minor misconduct category, a higher punishment/enhancement in punishment in terms of Rule 219.4 (b), was proposed. Accordingly the said officer directed the Senior Divisional Security Commissioner, Bhusawal to issue a fresh major charge-sheet under Rule 153 of the R.P.F. Rules.

c) Consequent to the above, the disciplinary authority issued a fresh charge-sheet dated 19.12.2019.

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d) By office note dated 19.6.2020, departmental proceedings were initiated under Rule 153 against the petitioner in connection with the memorandum dated 19.12.2019.

e) On 25.6.2020, the Divisional Security Commissioner, R.P.F., Bhusawal passed an order No.94/2020, in order to correct its administrative mistake. It was proposed to drop the ongoing DAR proceedings (departmental enquiry) under Rule 153 vide the memorandum dated 19.12.2019 and a new charge-sheet was directed to be issued for commencing the DAR proceedings afresh under Rule 153.

f) A fresh charge-sheet was issued on 25.6.2020 by the disciplinary authority. An officer of the rank of Inspector at Chalisgaon, Shri Gokul Sononi was appointed as the Enquiry Officer. The charges beginning from 2nd July, 2018 and a further alleged offence committed on 3.7.2018 were included in the said charge-sheet.

g) On the same day 25.6.2020, by the divisional order No.93/2020, the earlier punishment of stoppage of one increment for six months without cumulative effect imposed by order dated 22.7.2019, was withdrawn and the amounts recovered from the petitioner/unpaid amounts, were directed to be refunded to him.

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7. The petitioner has relied upon the judgment delivered by this Court dated 26.10.2018 in **Writ Petition No.8523 of 2015** filed by **Mujaffar Hussain Mansoori vs. The Union of India & ors.**, at Aurangabad to support his contention that if a person is found guilty in an enquiry, another departmental enquiry with regard to the same charge cannot be initiated. This Court had considered the facts in the said case wherein a full-fledged departmental enquiry was conducted and though the employee was punished with penalty of reduction in rank for a period of two years with cumulative effect, subsequently the entire enquiry was dropped and a fresh enquiry was commenced. This Court allowed the petition, to the extent of the second departmental enquiry being conducted on the same facts.

8. We find from Chapter XI-Discipline and Conduct under Railway Protection Force Rules, 1987 which prescribes the manner of conducting an enquiry and placing the delinquent under suspension. Rule 146 deals with code of behaviour for members of the Force. Rule 146.2 pertains to neglect of duty. Rule 146.4 pertains to discreditable conduct. Rule 146.6 pertains to falsehood or pre-fabrication. Rule 146.7 dealt with corrupt or improper practice. Rule 147 enlists the acts which can be termed as being misconducts, in short this being a list of misconducts.

9. Chapter XII-Disciplinary and Penal Punishments deals with different kinds of punishments that can be inflicted upon a delinquent if a charge is proved. Rule 148.2 provides major punishments and Rule 148.3 provides minor punishments. Rule 148.4 is with regard to petty punishments. Rule

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149 prescribes other punishments.

10. Rule 153 prescribes the procedure for imposing major punishment. Rule 154 enables the disciplinary authority to act on the enquiry report. Rule 157 prescribes reduction in rank, grade or in the scale of pay. Rule 158 prescribes the procedure for imposing minor punishments.

11. In the instant case, we would be addressing to two issues. Firstly, as to whether the punishment dated 22.7.2019 inflicted upon the petitioner can be said to be a consequence of a full-fledged departmental enquiry, in the light of the contention of the petitioner that a second enquiry has been initiated for the same misconduct. The second issue is, whether the Force could be permitted to re-call its order of punishment, drop the earlier proceedings and initiate a fresh enquiry with regard to misconduct which amounts to a major misdemeanor, under Rule 219.4 (b)?.

12. Rule 159 requires the departmental proceeding file to contain the following documents:-

“159. Departmental Proceeding file :- Every Departmental Proceeding File shall contain documents in the following order with an index sheet :

- (i) Order sheet,
- (ii) Preliminary papers,
- (iii) Charge,
- (iv) Statement of Prosecution witnesses,

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- (v) Prosecution exhibits,
- (vi) Defence statement of “guilty” or “not guilty”,
- (vii) Statement of defence witnesses,
- (viii) Written statement of defence, if any,
- (ix) Findings of the Inquiry Officer,
- (x) Order of the Disciplinary Authority,
- (xi) Appeal and Order.”

13. In view of the above, the contention of the petitioner that the present enquiry initiated by the Force amounts to a second departmental enquiry, is wholly misconceived and fallacious. As no departmental enquiry was necessary for awarding a minor punishment, the Force had not conducted a full-fledged departmental enquiry which is termed as BAR proceeding. The grievance of the petitioner that a second enquiry is being initiated, therefore, is baseless.

14. This leads us to the second issue as to whether the superior authority of the Force could have dropped the proceedings after the stage of inflicting/imposing punishment on a delinquent and which punishment had been acted upon. The petitioner was served with the order of punishment dated 22.7.2019 by which his next increment was suspended for a period of six months without cumulative effect. This order of punishment was implemented. It is seen from the pleadings of the petitioner that an amount of Rs.19,350/- towards the increment for a period of six months was also recovered from him.

15. In the above backdrop, it would be appropriate to refer to Rule 153 (153.1 to 153.20), which read as under:-

“153. Procedure for imposing major punishments :

153.1 Without prejudice to the provisions of the Public Servants Inquires Act, 1850, no order of dismissal, removal, compulsory retirement or reduction in rank shall be passed on any enrolled member of the Force (save as mentioned in rule 161) without holding an inquiry, as far as may be in the manner provided hereinafter, in which he has been informed in writing of the grounds on which it is proposed to take action, and has been afforded a reasonable opportunity of defending himself.

153.2 (i) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against an enrolled member of the Force, it may itself inquire into, or appoint an Inquiry Officer higher in rank to the enrolled member charged but not below the rank of Inspector, or institute a Court of Inquiry to inquire into the truth thereof.

153.2 (ii) Where the disciplinary authority itself holds the inquiry, any reference to the Inquiry Officer in these rules shall be construed as a reference to the disciplinary authority.

153.3 On receipt of complaint or otherwise, the disciplinary authority on going through the facts alleged or brought out shall decide whether it is a case for major or minor punishment. No attempt shall be made to convert cases punishable under section 16 A or section 17 into disciplinary cases nor divert cases in respect of which major punishments are imposable to the category of cases where minor or petty punishments are imposable.

153.4 Where it is proposed to hold an inquiry against an enrolled member of the Force under this rule, the disciplinary authority may order that the enrolled member shall not be transferred to any other place nor given leave without its written permission till the conclusion of the disciplinary proceedings, and the disciplinary authority shall draw up or cause to be drawn up—

(a) the substance of the imputations of misconduct or misbehavior into definite and distinct articles of charge;

(b) a statement of the imputations of misconduct or misbehaviour in support of each article of charge which shall contain,-

(i) a statement of all relevant facts including any admission or confession made by the enrolled member of the Force, and

(ii) a list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained.

153.5 The disciplinary authority shall deliver or cause to be delivered to the delinquent member, at least seventy-two hours before the commencement of the inquiry, a copy of the articles of charge, the statement of imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article of charge is proposed to be sustained and fix a date when the inquiry is to commence; subsequent dates being fixed by the Inquiry Officer.

153.6 Where the enrolled member charged has absconded or where it is not possible to serve the documents on him in person or where he deliberately evades service, the procedure laid down in sections 62, 64, 65 and 69 of the Code of Criminal Procedure, 1973

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shall be adopted by the Inquiry Officer for service of such documents and the same shall be deemed to be a conclusive proof of service.

153.7 For securing the presence of private prosecution witnesses, the Inquiry Officer may allow free travel passes according to their status in accordance with extant Railway Rules.

153.8 The enrolled member charged shall not be allowed to bring in a legal practitioner at the proceedings but he may be allowed to take the assistance of any other member of the Force (hereinafter referred to as "friend") where in the opinion of the Inquiry Officer, the enrolled member charged cannot put up his defence properly. Such "friend" must be a serving member of the Force of or below the rank of Sub-Inspector for the time being posted in the same division or the battalion where the proceedings are pending and not acting as a "friend" in any other proceedings pending anywhere. Such "friend" shall, however, not be allowed to address the Inquiry Officer nor to cross-examine the witnesses.

153.9. If the enrolled member charged fails to turn up on the day fixed for the start of inquiry and no reasonable excuse is offered for not being present on the fixed time and day, the Inquiry Officer may commence the inquiry ex-parte.

153.10 At the commencement of the inquiry, the party charged shall be asked to enter a plea of "guilty" or "not guilty" after which evidence necessary to establish the charge shall be let in. The evidence shall be material to the charge and may either be oral or documentary. If oral-

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(a) it shall be direct;

(b) it shall be recorded by the Inquiry Officer in the presence of the party charged; and

the party charged shall be allowed to cross-examine the witnesses.

153.11 If the witnesses are government officers of a rank superior to the party charged, the Inquiry Officer may, at the request of the party charged, put the questions to such officer.

153.12 All evidence shall be recorded, in the presence of the party charged, by the Inquiry Officer himself or on his dictation by a scribe. Cross-examination by the party charged or the fact of his declining to cross-examine the witness, as the case may be, shall also be recorded. The statement of each witness shall be read over to him and explained, if necessary, in the language of the witness, whose signature shall be obtained as a token of his having understood the contents. Statement shall also be signed by the Inquiry Officer and the party charged. Copy of each statement shall be given to the party charged who shall acknowledge receipt on the statement of witness itself. The Inquiry Officer shall record a certificate of having read over the statement to the witness in the presence of the party charged.

153.13 Documentary exhibits, if any, are to be numbered while being presented by the concerned witness and reference of the number shall be noted in the statement of the witness. Such documents may be admitted in evidence as exhibits without being formally proved unless the party charged does not admit the genuineness of such a document and wishes to cross-examine the witness who is purported to have signed it. Copies of the exhibits

may be given to the party charged on demand except in the case of voluminous documents, where the party charged may be allowed to inspect the same in the presence of Inquiry Officer and take notes.”

153.14 Unless specifically mentioned in these rules, the provisions of the Code of Criminal Procedure, 1973 and the Indian Evidence Act, 1872 shall not apply to the departmental proceedings under these rules.

153.15 The party charged shall then be examined and his statement recorded by the Inquiry Officer. If the party charged has pleaded guilty and does not challenge the evidence on record, the proceedings shall be closed for orders. If he pleads “not guilty”, he shall be required to file within 10 days a written statement together with a list of such witnesses as he may wish to produce in his defence and giving therein a gist of evidence that each witness is expected to give. If he declines to file a written statement, he shall again be examined by the Inquiry Officer on the expiry of the period allowed and his statement, if any, recorded.

153.16 If the party charged refuses to produce any witnesses or to produce any evidence in his defence, the proceedings shall be closed for orders. If he produces any evidence, the Inquiry officer shall proceed to record the evidence. If the Inquiry Officer considers that the evidence of any witness or any document which the party charged wants to produce in his defence is not material to the issues involved in the case, he may refuse to call such witness or to allow such document to be produced in evidence, but in all such cases he must briefly record his reasons for considering the evidence inadmissible. When all relevant evidence has been brought on record, the proceedings shall be closed for orders after recording the statement, if any, of the party charged and obtaining any clarification, if necessary, from him.

153.17 Under no circumstances additional prosecution witnesses shall be examined after the defence has been let in unless supplementary defence witnesses have been allowed on that ground. However, if at any stage during the inquiry, it appears to the Inquiry Officer that examination of any witness who has not been produced by either party so far or recall of any witness who has already been examined is essential in the interest of justice or to clear any doubt, he may summon him for the purpose and examine him as a witness of the Inquiry Officer after recording his reasons for doing so. Such a witness may also be cross examined by the party charged, if desired.

153.18 Whenever any Inquiry Officer after having heard and recorded the whole or any part of the evidence in an inquiry, ceases to exercise jurisdiction therein and is succeeded by another Inquiry Officer who has and exercises such jurisdiction, the Inquiry Officer so succeeding may act on the evidence so recorded by his predecessor, or partly recorded by his predecessor and partly recorded by him or himself record it afresh as he deems expedient.

153.19 At the conclusion of the inquiry, the Inquiry Officer shall prepare a report of the inquiry recording his findings on each of the charges with reasons therefor. The findings must be of "guilty" or "not guilty" and no room shall be allowed for "benefit of doubt" or personal surmises. A charge shall be deemed to have been proved if after considering the evidence before him, the Inquiry Officer believes the ingredients constituting the charge to exist or considers their existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that they exist.

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153.20 If in the opinion of the Inquiry Officer, the proceedings of the inquiry establish charges different from those originally framed, he may record his findings on such charges:

Provided that findings on such charges shall not be recorded unless the party charged has admitted the facts constituting them and has had an opportunity of defending himself against them.”

16. It is, therefore, obvious that if a misconduct committed by the delinquent is so proved, major punishment can be awarded by following the procedure laid down below Rule 153. As the disciplinary authority, in the view of the superior authority, had misdirected itself and out of misconception considered the act of the petitioner of dishonesty and misappropriation as a minor act, he recorded the confession of the petitioner and proceeded to impose a minor punishment. In our view, the superior authority could have dropped the entire proceedings before it reached a logical conclusion and culminated into an order of punishment. In given circumstances, even after the order of punishment was issued, the superior authority could have exercised its powers flowing under the Rules to give up the entire proceeding in the backdrop of the misconduct of the petitioner appearing to be a major misconduct which could also be termed as a ‘grave and serious misconduct’. The 1987 Rules provide for revisional powers under Rule 219 to review the action taken. The Force relied upon Rule 219.4 (b) for dropping the disciplinary proceedings pursuant to which a fresh charge-sheet was issued which was also dropped as an authority not competent to be the disciplinary authority in relation to the position of the petitioner as Assistant Sub-Inspector, had framed the charge.

Thereafter, the authority which could be the disciplinary authority in relation to the petitioner, framed a fresh charge-sheet which is a subject-matter of challenge before us.

17. Rule 219 (219.1 to 219.4) read as under:-

“219.Revision :

219.1 An enrolled member of the Force whose appeal has been rejected by a competent authority may prefer an application for revision to the next superior authority. The powers of revision may be exercised only when,-

(a) in consequence of some material irregularity, there has been injustice or miscarriage of justice; or (b) fresh evidence is disclosed which could not be produced or was not available at the time of passing of the impugned order.

219.2 The procedure prescribed for consideration of appeals under rule 217 shall, so far as may be, apply to application for revision.

219.3 The superior authority while passing orders on the application for revision may at its discretion enhance punishments: Provided that before enhancing the punishment, the aggrieved member shall be given an opportunity to show cause why his punishment should not be enhanced:

Provided further that subject to the provisions of sub-rule (2) of rule 212, an order enhancing the punishment shall be treated as an

original order for the purpose of appeal, except when such an order has been passed by the Central Government in which case no further appeal shall lie. Where such order has been passed by the Principal*Chief Security Commissioner, appeal shall lie to the Director General and in the case of such order by the Director General, the appeal shall lie to the Central Government.

219.4 Any authority superior to the authority making the original order may, on its own motion, or otherwise, call for the records of any inquiry and revise any order made under these rules and may:-

- (a) confirm, modify or set aside the order; or
- (b) confirm, enhance, reduce or set aside the punishment imposed by the order, or impose any punishment where no punishment has been imposed; or
- (c) remit the case to the authority which made the order or to any other authority directing such authority to make such further inquiry as it may consider proper in the circumstances of the case; or
- (d) pass such other orders as it may deem fit:

Provided that no action under this sub-rule shall be initiated after the expiry of one year from the date of the order aforesaid:

Provided further that no proceeding for revision shall be commenced until after-

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(i) the expiry of the period for making an appeal specified in sub-section (2) of section 9 ; or

(ii) the disposal of the appeal, where any such appeal has been preferred :

Provided further that in a case in which it is proposed to enhance punishment further, the aggrieved member shall be given an opportunity to show cause either orally or in writing as to why his punishment should not be enhanced.”

18. Considering the Rules applicable, an authority superior to the disciplinary authority making the original order, on it's own motion or otherwise, can call for the records of any enquiry and revise any order made under these Rules. These are defined as the revisional powers of the superior authority. Such authority could then opt for any of the four clauses (a to d) under Rule 219.4. Shri Navandar submits on the basis of the records that clause (b) was invoked by the superior authority. It requires no debate that clause (b) allows the superior authority to confirm, enhance, reduce or set aside the punishment imposed or impose any punishment where no punishment has been imposed. We find clause (b) to have the semblance of super imposing on clause (a) which enables the superior authority to confirm, modify or set aside the order. However, we are not convinced by the action of the Force of resorting to clause (b) for dropping the entire proceedings on the ground that the superior authority was of the view that the petitioner deserved to be imposed with

punishment or enhance the punishment. Imposition of punishment was possible only if no punishment was imposed. Enhancement in punishment is also possible provided the punishment sought to be proposed can be founded on the enquiry that has already been conducted against a delinquent.

19. The dilemma before the Force (which has been properly assessed by the superior authority) is that the misconduct of misappropriation and dishonesty calls for a major punishment in the light of **Janatha Bazar (South Kanara Central Co-operative Wholesale Stores Ltd.), etc. vs. The Secretary, Sahakari Nukarnama Sangha, AIR 2000 SC 3129, Kumaon Mandal Vikas Nigam Ltd. vs. Girja Shankar Pant & ors., (2001) 1 SCC 182** and **P.R. Shele vs. Union of India, 2008 (23) Bom. C.R. 213** of the Division Bench Bombay High Court. The quantum of misappropriation is insignificant when it comes to a misconduct attracting the charge of misappropriation and dishonesty. As the disciplinary authority had earlier inflicted punishment of a minor nature, he did not conduct a departmental enquiry since it was not necessary. However, to enhance the punishment so as to deal with a major misconduct, a departmental enquiry was necessary which was not conducted earlier. We do not find from the revisional powers of the superior authority that he could drop the entire disciplinary proceedings and start new disciplinary proceedings “afresh” while exercising his revisional powers under Rule 219.4 (b).

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20. For the sake of brevity and to avoid misinterpretation by any of the parties, we make it clear that we are considering the challenge of the petitioner to the action of the Force said to have been undertaken under Rule 219.4 (b). Since the impugned action is not under the remaining three clauses out of which clause (d) may have a wide amplitude, our conclusions in this judgment to the extent of this challenge, would be restricted to clause (b).

21. In view of the above, since we have concluded that the impugned action of the Force in issuing the orders dated 19.6.2020 and 25.6.2020 of preparation and issuance of a fresh charge-sheet and a full-fledged departmental enquiry being initiated under Chapter XII of the Rules cannot be sustained under Rule 219.4 (b), the issuance of a fresh charge-sheet so as to commence a fresh departmental enquiry would not be permissible, though such an enquiry is not a second enquiry being conducted by the Force taking into account that there was no departmental enquiry conducted in the disciplinary proceedings initiated against the petitioner which resulted in the order of punishment dated 22.7.2019.

22. This petition is, therefore, partly allowed with the following directions:-

- a) The impugned office note dated 19.6.2020 (page 23), the divisional order No.93/2020 dated 25.6.2020, divisional order No.94/2020 dated 25.6.2020 and the order No.223/29 dated 2.12.2019 and the

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charge-sheet dated 19.12.2019 as well as the show cause notice dated 8.11.2019, are quashed and set aside.

- b) Respondent no.3 is at liberty to pass a specific order restoring the earlier order of punishment dated 22.7.2019 and initiate consequential orders by which the said disciplinary proceedings would culminate. With the above directions, the charge with reference to the offence committed on 2.7.2018 mentioned in the memorandum dated 20.5.2019 will be put to rest.
 - c) If the petitioner has committed any misconduct after 2nd July, 2018, respondent nos.3 to 5 would be at liberty to follow the Act of 1957 and the 1987 Rules for initiating disciplinary proceedings against the petitioner.
 - d) Rule is made partly absolute in the above terms. No order as to costs.
23. The pending Civil Application would not survive and stands disposed off.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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