

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11622 of 2014**

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Satyendra Kumar Singh son of Sri Laxmi Narayan Singh Resident of Mohalla  
- New Bengali Tola, Samta Path, P.O. - Patna G.P.O., P.S. - Jakkanpur, District  
- Patna.

... .. Petitioner/s

Versus

1. The Union of India.
2. The Chief Post Master General, Bihar Circle, Patna.
3. The Director, Postal Services, Headquarter, Office of the Chief Post Master General, Bihar Circle,
4. The Asstt. Post Master, General Bihar Circle, Patna.

... .. Respondent/s

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**Appearance :**

|                      |   |                                           |
|----------------------|---|-------------------------------------------|
| For the Petitioner/s | : | Mr. Rakesh Kumar Samrendra, Advocate      |
| For the Respondent/s | : | Mr. Awadhesh Kr Pandey, Sr. Panel Counsel |
|                      | : | Mr. Ravindra Kr Sharma (CGC)              |
|                      | : | Mr. Saket Anand, Advocate                 |

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**and**  
**HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)**

**Date : 05-07-2022**

In the instant petition, petitioner has assailed the order of the Tribunal dated 17.01.2014 passed in O.A No. 53 of 2010 passed by the Central Administrative Tribunal Patna Bench, Patna. The petitioner was working with the respondent in the Postal Department as a Postal Assistant. He was subjected to disciplinary proceedings in framing Article of charge on 31.08.2005 and it was communicated to the petitioner on 01.09.2005. The petitioner requested for certain documents before submission of his explanation. However, all the requested documents have not been supplied to the petitioner. Thereafter, he had submitted his reply to



the Charge Memo and it was not satisfied by the disciplinary authority and, thus, he proceeded to appoint Inquiry and presenting officer to hold inquiry against the alleged charge. The inquiring officer had submitted his report on 08.01.2008. Thereafter, disciplinary authority issued show cause along with the Inquiry officer's report seeking petitioner's reply/explanation. The petitioner submitted his explanation on 13.02.2008. Consequently, the disciplinary authority proceeded to impose compulsory retirement penalty on the petitioner on 31.07.2008. Feeling aggrieved and dissatisfied with the order of compulsory retirement dated 31.07.2008. Petitioner had preferred appeal before the Appellate authority and it was rejected on 24.04.2009. Still aggrieved by the order of the Disciplinary authority and Appellate authority Order dated 31.08.2008 and 24.04.2007 respectively he preferred Original Application No. 53 of 2010 before the Tribunal on 17.01.2014. The Tribunal dismissed the Original Application No. 53 of 2010, thus, he presented this petition.

Learned counsel for the petitioner submitted that Article of charge is very vague for the reasons that petitioner while processing certain bills has not followed the departmental rules and procedures and it is not reflected in the Article of charge which are departmental rules and procedures. In fact, the petitioner had sought



for those documents to the Disciplinary authority before inquiry was commenced. However, it was not furnished the demanded documents with reference to the Article of charge and it is in violation of Principles of natural justice. The same was not apprised by the Disciplinary authority and appellate authority and Tribunal. It is further submitted that the inquiring officer has taken note of in his report relating to supply of demanded documents, thus, the petitioner has not been provided principle of natural justice to the extent that which are the departmental rules and procedures have not been followed by the petitioner while processing the bills.

*Per contra*, learned counsel for the respondents resisted contention of the petitioner and submitted that there is no infirmity in the Disciplinary, Appellate authority and Tribunal order. The petitioner has committed misdeeds as stated in the Charge Memo and it is proved in the inquiry, thus, the petitioner has not made out a case so as to interfere with the impugned orders.

Heard learned counsels for the respective parties.

Petitioner contention is that he has not been provided opportunity in the inquiry and during the process of inquiry in not providing departmental rules and procedures which is the main alleged allegation against the petitioner to the effect that he has



violated departmental rules and procedures in processing the bills.

The Charge Memo reads as under:-

*“Statement of articles of charge framed against Shri Satyendra Kumar Singh, P.A. (TBOP), C.O., Patna.*

*Article-I*

*That Shri Satyendra Kumar Singh, while functioning as the then dealing Clerk (Postal Assistant) Building Section, o/o the Chief P.M.G., Bihar Circle Patna during the year 1989-99 deliberately did not follow the laid down departmental rules and procedures and processed the bills of Gardanibagh Post Office Building and Sub Postmaster's quarter located at Quarter No.5 and Road No.8, Gardanibagh, Patna to give undue benefit to the Private contractor. In this way he acted in a manner unbecoming of a Government servant.*

*He is, therefore, alleged to have contravened to provisions of Rule 3 (i), (ii) and (iii) of C.C.S. (Conduct) Rules, 1964.”*

(underline supplied)

Statement of imputation of misconduct in support of Article of Charge vide Annexure 2 to the Charge Memo does not reveal the title departmental rules and procedures and which rule and which procedure, which have not been taken note of by the petitioner while processing the bills in Gardanibagh Post office Building and Sub Postmaster Quarter No. 5, Road No. 8, Gardanibagh. In other words, Article of charge is not supported by



statement of imputation also. In fact, the petitioner had demanded five documents and he has been provided few documents except which are the departmental rules and procedures which is the foundation for framing Article of charge against the petitioner. The aforesaid issue has not been apprised by the inquiring authority, Disciplinary authority, Appellate authority and Tribunal. Therefore, the petitioner has made out a *prima facie* case that the Charge Memo itself is very vague to the extent that petitioner did not follow the laid down departmental rules and procedures and process the bill as stated in the Article of charge. In other words, very vague charges have been framed without stating which of the rule of the Title of the departmental rules and procedures have been violated. In fact, no departmental rules and procedures have been stated in the Article of charge and so also in the statement of imputation. Therefore, findings of the inquiring officer and its confirmation by the disciplinary and appellate authority and Tribunal are not in consonance with the principle of natural justice. Apex Court interfered in departmental inquiry proceedings if the charges are vague in the case of **Abhay Jain vs. High Court of Judicature of Rajasthan and Anr.** reported in **2022 SCC Online 319**. Further, in respect of vagueness of the charge Hon'ble Apex Court has considered in the case of **Anant R. Kulkarni Vs. Y.P.**



**Education Society & Ors.** reported in **(2013) 6 SCC 515**. The

relevant paragraph 16 reads as under:-

*“16. Where the charge-sheet is accompanied by the statement of facts and the allegations are not specific in the charge-sheet, but are crystal clear from the statement of facts, in such a situation, as both constitute the same document, it cannot be held that as the charges were not specific, definite and clear, the enquiry stood vitiated. Thus, nowhere should a delinquent be served a charge-sheet, without providing to him, a clear, specific and definite description of the charge against him. When statement of allegations are not served with the charge-sheet, the enquiry stands vitiated, as having been conducted in violation of the principles of natural justice. The evidence adduced should not be perfunctory; even if the delinquent does not take the defence of, or make a protest that the charges are vague, that does not save the enquiry from being vitiated, for the reason that there must be fair play in action, particularly in respect of an order involving adverse or penal consequences. What is required to be examined is whether the delinquent knew the nature of accusation. The charges should be specific, definite and giving details of the incident which formed the basis of charges and no enquiry can be sustained on vague charges. (Vide State of A.P. v. S. Sree Rama Rao, Sawai Singh v. State of Rajasthan, U.P. SRTC v. Ram Chandra Yadav, Union of India v. Gyan Chand Chattar and Anil Gilurker v. Bilaspur Raipur Kshertriya Gramin Bank.)”*



In the light of these facts and circumstances, the petitioner has made out a *prima facie* case so as to interfere with the impugned orders dated 31.07.2008, 24.04.2009 and 17.01.2014. In the result, the impugned orders dated 31.07.2008 (Annexure-6), 24.04.2009 (Annexure-7) and 17.01.2014 (Annexure-8) are set aside. Accordingly, the present petition stands allowed.

The petitioner is entitled to all service benefits. The concerned respondent is hereby directed to regulate the intervening period from date of compulsory retirement that is 31.07.2008 till the date of attaining superannuation and retirement from service. He is entitled to all increments and promotions, if any, further monetary benefits shall be calculated and disbursed by the concerned respondent within a period of three months from the date of receipt of this order, failing which petitioner is entitle to litigation cost of Rs. 10,000/- (Ten Thousand only).

**(P. B. Bajanthri, J)**

**(Rajiv Roy, J)**

Vikash/-

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