

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

PRESENT:

THE HON'BLE JUSTICE HARISH TANDON

&

THE HON'BLE JUSTICE RABINDRANATH SAMANTA

WPCT 79 of 2021

(Union of India & Ors. Vs. Dr. Goutam Roy)

with

WPCT 64 of 2021

(Dr. Goutam Roy Vs. Union of India & Ors.)

Mr.R. N. Bag, Adv.

Mr. Shankar Ranjan Sen, Adv.

..... for the Petitioners in WPCT 79 of 2021

..... for the respondent in WPCT 64 of 2021

Mr. Indranath Mitra, Adv.

Mr. Subhankar Das, Adv.

..... for the Petitioner in WPCT 64 of 2021

..... for the respondents in WPCT 79 of 2021

Mr. Arun Kanti Chattopadhyay, Adv.

..... for the Union Public Service Commission

Judgment on : **28.04.2022**

Rabindranath Samanta, J:-

1. These two writ petitions have been filed challenging the order dated 06.04.2021 passed by Central Administrative Tribunal, Calcutta Bench, Kolkata (hereinafter be referred to as the

Tribunal) in O.A 350/1135/2014. The respondent filed the tribunal application seeking the following reliefs:

“a. An order do issue setting aside and/or quashing the memorandum of charge bearing no. 269/D&A/GR dated 10th July, 2003 issued by the General Manager, Eastern Railway, forthwith.

b. An order do issue setting aside and/or quashing findings of the Inquiring Authority forthwith;

c. An order do issue setting aside and/or quashing the opinion and/or advice dated 28.07.2010 of the Union Public Service Commission, forthwith.

d. An order do issue setting aside and/or quashing the order of dismissal being memo No E(O)I-2007/PU-2/SECR/71 dated 28.09.2012 passed by order and in the name of the President, forthwith.

e. An order do issue directing the respondents to reinstate the applicant in service, forthwith;

f. An order do issue directing the respondents to allow the applicant to resume his duties, forthwith;

g. An order do issue directing the respondents to release the back wages and other consequential services benefits to the applicant, forthwith;

h. An order do issue directing the respondents to release the salary and arrear salary of the applicant, forthwith.”

2. The learned Tribunal by the order as impugned disposed of the application with the following observations and direction:

“The General Manager having referred the matter to the President for imposition of major penalty proves that the General Manager had no power to impose a major penalty

yet he assumed the role of a disciplinary authority to issue a major penalty charge memo, which is bad. Going by the maxim “Sublato Fundamento Cadit Opus” (where the foundation has been removed the structure collapses), the entire proceedings based on such charge sheet gets vitiated and hence liable to be quashed.

Further, the respondents have also failed to substantiate the following:-

Non supply of documents as asked for by the applicant did not amount to violation of principles of natural justice;

The demand and acceptance of bribe money of Rs.100/- by the applicant from the complainant;

Penalty of removal from service is commensurate to the allegation of demanding and accepting bribe money of Rs.100/-

We have given our anxious consideration to the facts, records, rival contentions and the implication of the decisions cited.

In view of the glaring omissions as noted supra, we would quash the entire proceedings right from its initiation vide charge memo dated 10.07.2003 with liberty to the respondents to act in accordance with law.

The O.A stands disposed of. No costs.”

3. As the facts emanate, the respondent Dr. Goutam Roy in W.P.C.T 79 of 2021 was dismissed from railway services by the concerned railway authorities vide memo No. E(O)I-2007/PU-2/SECR/71 dated 28.09.2012 after the charge framed against him in connection with a disciplinary proceeding was proved.

4. The facts as depicted in W.P.C.T 79 of 2021 and which are necessary for adjudication of the issues involved may be summarised as under:-

The respondent Goutam Roy while working as Senior Divisional Medical Officer, Health Unit, Naihati under Eastern Railway demanded bribe of Rs. 100/- for issuing fit certificate. A trap was laid by the S.P.E/CBI/AB, Kolkata on 11.04.2002 and he was caught red handed and arrested for allegedly demanding and accepting illegal gratification of Rs.100/- from Shri Ratan Kumar Ghosh (R.K. Ghosh), Electric Fitter, Eastern Railway, Sealdah for issuing of a medical fit certificate to him. With regard to such incident a case was filed against the respondent in the Court of learned Special Judge, CBI Court at Alipore, South 24 Parganas under the relevant provisions of the Prevention of Corruption Act, 1988 and he was remanded to judicial custody. However, he was released on bail on 29.04.2002. The respondent was placed under suspension vide order dated 24.05.2002 with effect from 11.04.2002 and subsequently the order of suspension was revoked on 18.12.2003.

A memorandum of charge sheet dated 10.07.2003 against the respondent was issued by the General Manager, Eastern Railway and the respondent submitted his defence on 23rd July, 2003. Meanwhile, the respondent was transferred to South East Central Railway vide order dated 18.12.2003 and he joined as Senior D.M.O on 18.02.2004 at Bilaspur.

On his transfer to South East Central Railway (S.E.C. Rly) the authority to act as Disciplinary Authority automatically stood vested upon the General Manager, South Eastern Central Railway. Thereafter, the General Manager, South Eastern Central Railway appointed one Shri S. Chattopadhyay as Inquiry Officer to enquire into the charges and one Shri A. Prakash as the Presenting Officer to present the case in support of the charges against the respondent. The Inquiry Officer submitted

his inquiry report dated 12.04.2007 holding the Article of Charge as proved against the respondent. After considering the case records including the representation of the respondent, the General Manager, South East Central Railway held that the charge which stood proved against the respondent invited major penalty against the respondent and as such he forwarded the case to the Railway authority under Rule 10(3) of the Railway Servants (Discipline & Appeal) Rules, 1968 for referring the case to the President for his consideration and taking necessary action. After considering all the relevant documents and after consultation with the Union Public Service Commission the Hon'ble President dismissed the respondent from railway services vide the order dated 28.09.2012 as referred to above.

5. In the writ petition being W.P.C.T 79 of 2021 the petitioners Union of India and others have challenged the impugned order by which the entire disciplinary proceedings right from its initiation vide charge memo dated 10.07.2003 were quashed by the learned Tribunal. On the other hand, the respondent Goutam Roy of this writ petition has filed the writ petition being W.P.C.T 64 of 2021 seeking direction upon the Union of India and others to reinstate him in the services and clear all his back wages forthwith.

6. Learned Counsel appearing for the Railway Authorities submits that the findings recorded by the learned Tribunal that the entire proceedings based on the charge sheet issued by the General Manager who had no authority to issue charge sheet are vitiated, are not justified. Learned Counsel by drawing our attention to item 1 of the Schedule III to the Railway Servants (Discipline & Appeal) Rules, 1968 submits that the General Manager who is competent to impose minor penalties on an

officer of the selection grade in junior administrative grade to which the charged officer belongs is also competent to institute a disciplinary proceeding against him in terms of Rule 8(2) of the said Rules. As the inquiry report suggested for major penalty to be imposed upon the charged officer, the General Manager of South Eastern Central Railway was within his competence to forward the records of the inquiry to the appropriate disciplinary authority i.e. The Hon'ble President of India in terms of Rule 10(3) of the Rules. Under such legal backdrop, learned counsel submits that the findings as recorded above by the learned Tribunal are not legally tenable.

7. Per contra, learned counsel appearing for the charged Officer countering the submission advanced by learned lawyer argues that the appointment letter issued to his client would reveal that the Hon'ble President of India is the appointing and disciplinary authority. The General Manager who having no power or authority to impose major penalty upon the charged officer cannot act as the disciplinary authority. In such context learned counsel by referring to a decision in the case of **Chairman-Cum-Managing Director, Coal India Limited & Ors-Vs- Anonto Saha & Ors** reported in **(2011) 5 SCC 142** submits that the Hon'ble Apex Court has held that if initial action is not in consonance with law, subsequent proceedings would not sanctify the same and in such a fact situation the legal maxim **"sublato fundamento cadit opus"** is applicable, meaning thereby, in case a foundation is removed, the superstructure falls.

8. As Item no. 1 of Schedule 3 of the Railway Servants (Discipline & Appeals) Rules, 1968 enjoins, a General Manager is authorised to impose minor penalties on an Officer of the

selection grade in junior administrative grade to which the charged Officer belongs. According to Rule 8(2) of the Rules a disciplinary authority who is competent to impose any of the minor or major penalties under Rule 6 is authorised to institute disciplinary proceedings against a railway servant. Rule 10(3) of the Rules provides that where the disciplinary authority is of the opinion that the penalty warranted is such as is not within its competence, he shall forward the records of the inquiry to the appropriate disciplinary authority who shall act in the manner as provided in these Rules.

9. Admittedly, the General Manager, South Eastern Central Railway before whom the inquiry report was submitted transmitted the records to the Hon'ble President of India for imposing appropriate penalty. As the records reveal, the Hon'ble President after consultation with the Union Public Service Commission as required under the law dismissed the charged Officer from railway services.

10. In view of the above it is axiomatic that there was no procedural illegalities or irregularities in launching the disciplinary proceeding by the concerned General Manager. That being so, the decision as cited supra is not applicable to the present fact scenario.

11. Learned Counsel appearing for the charged Officer Dr. Goutam Roy submits that his client was falsely implicated in the criminal case under the relevant provisions of the Prevention of Corruption Act. He points out that the charge framed in the criminal case and the charge framed in the disciplinary proceeding against the charged Officer are identical. His client has been acquitted of all the charges honourably from the

learned Court and as the disciplinary proceeding contains the similar set of facts as that of the criminal case it will be deemed that the disciplinary proceedings stands either dropped or not proved. In support of his submission learned counsel has cited a catena of decisions reported in ***M. Paul Anthony-Vs- Bharat Gold Mines Ltd. And another*** reported in (1999) 3 SCC 679, ***Roop Singh Negi-Vs- Punjab National Bank and Others*** reported in (2009) 2 SCC 570 and ***Shashi Bhusan Prasad-Vs- Inspector General, Central Industrial Security Force and others*** reported in (2019) 7 SCC 797.

12. In the decision in ***M. Paul Anthony*** (supra) the Hon'ble Apex Court at paragraph 22 of the judgment has held as under:-

“22. The conclusions which are deducible from various decisions of this Court referred to above are:

Departmental proceedings and proceedings in a criminal case can proceed simultaneously as there is no bar in their being conducted simultaneously, though separately.

If the departmental proceedings and the criminal case are based on identical and similar set of facts and the charge in the criminal case against the delinquent employee is of a grave nature which involves complicated questions of law and fact, it would be desirable to stay the departmental proceedings till the conclusion of the criminal case.

Whether the nature of a charge in a criminal case is grave and whether complicated questions of fact and law are involved in that case, will depend upon the nature of offence, the nature of the case launched against the employee on the basis of evidence and material collected against him during investigation or as reflected in the charge-sheet.

The factors mentioned at (ii) and (iii) above cannot be considered in isolation to stay the departmental proceedings but

due regard has to be given to the fact that the departmental proceedings cannot be unduly delayed.

If the criminal case does not proceed or its disposal is being unduly delayed, the departmental proceedings, even if they were stayed on account of the pendency of the criminal case, can be resumed and proceeded with so as to conclude them at an early date, so that if the employee is found not guilty his honour may be vindicated and in case he is found guilty, the administration may get rid of him at the earliest.”

13. The legal principles enunciated in ***M. Paul Anthony*** have been reiterated in the decision in the case of ***Shashi Bhusan Prasad-Vs- Inspector General, Central Industrial Security Force and others*** reported in ***(2019) 7 SCC 797*** .

14. Learned Counsel appearing for the Railway Authorities argues that a criminal case needs to be proved beyond any reasonable doubt whereas a disciplinary proceeding may be proved on preponderance of probabilities. As propounded by the Hon’ble Apex Court in ***M. Paul Anthony***, departmental proceedings and proceedings in a criminal case can proceed simultaneously as there is no bar in their being conducted simultaneously, though separately. Under such factual and legal aspects learned counsel emphasises that the decision of the Trial Court acquitting the charged Officer shall not have any persuasive effect upon the inquiry report finally prepared on conclusion of the disciplinary proceeding. To espouse his submission learned counsel has cited two decisions in the case of ***Management of Reserve Bank of India, New Delhi-Vs-Bhopal Singh Panchal*** reported in ***(1994) 1 SCC 541*** and in the case of ***Union of India and others-Vs- Sitaram Mishra and another*** reported in ***(2019) 20 SCC 588***.

15. What we discern, the Hon'ble Apex Court in **M.Paul Anthony** and in subsequent decision as cited supra has clearly held that while the departmental proceedings and the criminal case are based on identical and similar set of facts and the criminal Court on conclusion of trial has **honourably** acquitted the charged Officer then it would be unjust, unfair and rather oppressive to allow the findings recorded at the departmental proceedings to stand.

16. As quoted in the impugned order by the learned Tribunal, the gravamen of indictment against the charged officer are as under:-

“Dr. Gautam Roy, while functioning as Sr. Divisional Medical Officer, Line, Health Unit, Naihati, Eastern Railway was trapped by the SPE/CBI/ACB, Kolkata on 11.04.2002 while allegedly demanding and accepting illegal gratification of Rs.100/- from Sri Ratan Kumar Ghosh, Electric Fitter, Eastern Railway, Sealdah for issue of a fit certificate to him.

By his conduct leading to his being trapped, Dr. Gautam Roy failed to maintain absolute integrity, exhibited lack of devotion to duty and acted in a manner of unbecoming of a Railway Servant, thus contravening Rule 3.1(i), (ii) & (iii) of the Railway Services (Conduct) Rules, 1966 and as amended from time to time.”

17. As it appears from the judgment of the learned Special Judge, CBI Court at Alipore, South 24 Parganas, in Special Case No. 3A of 2002 in connection with the R.C Case No. 8(A)/2002 CBI/SPE/ACB/CAL dated 10.04.2002 under Section of the Prevention of Corruption Act, 1988, charge as framed against the accused was of the same nature as that of

the charge framed in the disciplinary proceeding against the charged Officer.

18. As admitted by the parties a comparative chart of the witnesses examined in the disciplinary proceedings and in the criminal case before the learned Special judge, C.B.I Court may be depicted as under :-

Before the Inquiry Officer	Before the learned Special Judge, CBI Court
1.Ratan Kumar Ghosh, complainant (PW-1)	1.Ratan Kumar Ghosh, complainant (PW-1)
2. Pijush Kanti Guha, Ex-Deputy Chief Officer, Vigilance Department,UBI (PW-2)	2. Pijush Kanti Guha, Ex-Deputy Chief Officer, Vigilance Department,UBI (PW-2)
3.Sri Rakesh Kumar, Ex-Deputy Chief Officer, Vigilance Department, UBI(PW-3)	3.Sri Rakesh Kumar, Ex-Deputy Chief Officer, Vigilance Department, UBI(PW-4)
4.Dr. S.K. Karmakar, Ex. Sr. DMO, & In-charge of Naihati Health Unit(PW-4)	4.Dr. S.K. Karmakar, Ex. Sr. DMO, & In-charge of Naihati Health Unit (PW-8)
5.Asish Kumar Nag, Railway Employee (PW-5)	5.Asish Kumar Nag, Railway Employee (PW-5)

6.B.C. Purakayat, Jr. Scientific Officer (now Retired) Central Forensic Science Laboratory (PW-6)	6. B.C. Purakayat, Jr. Scientific Officer (now Retired) Central Forensic Science Laboratory (PW-9)
7.D.Bhattacharyya, Inspector,ACB,CBI (PW-7)	7.D.Bhattacharyya, Inspector,ACB,CBI (PW-11)
8.J.N. Rana, Ex-Inspector, ACB,CBI (P.W.-8)	8.J.N. Rana, Ex-Inspector, ACB,CBI (P.W.-10)
9.Samit Ghosh, Inspector CBI (P.W.-9)	
10.S.Chakraborty, Inspector CBI (P.W.-10)	
11.B. Das, Inspector CBI (P.W.-11)	
12.T. Bardhan, S.I., CBI (P.W.-12)	
	9.Goutam Sankar Banerjee, Chief Commercial Manager (P.W.-3)
	10.Kumud Kumar Sharma, Officer Railway Board who sanctioned for prosecution by the order and in the name of the President (P.W.- 6)
	11.R.Subramaniam, Director of Vigilance Department (P.W.-7)

19. The charges framed against the charged Officer/accused and the comparative chart as delineated above demonstrate the factum that the disciplinary proceedings and the criminal case are based on identical and similar set of facts.

20. As excerpted by the learned Tribunal in the impugned order the relevant portion of the judgment of the CBI Court may be reproduced hereunder:-

“Another important ingredient for the offence punishable under Section 7 of the P.C. Act is that any person can be prosecuted and punished if he demands and accepts the bribe for himself and for other person.

Now let us excavate the above points:-

That PW-1 seriously alleged on contending in Ext-1 that on 08.04.2002 the accused person himself demanded the bribe of Rs.100/- to the complainant if the complainant is needed for Fit certificate and that bribe is to be paid within 1 p.m. of 11.04.2002 at that Health Unit.

But, curious enough the PW-1 could not state the above material particular at all. He stated that on 10-04-2002 when he again approached to enter in the chamber of the accused person then some other person told him that the accused person could not issue him the Fit Certificate unless he pays Rs.100/-. Then the altercation took place between himself and that person. On that date he did not hold talk with the accused person.

PW-1 deviated from his earlier statement contended in Ext-1. But, he was not declared as hostile. The Prosecution also could not attempt to cross-examine this PW-1 to eliminate the truth what is in the prosecution's case.

So, the above evidence of the PW-1 is to be treated as has been emerged spontaneously from the core of his heart. If it is so, it can easily be concluded unhesitatingly and safely that on 10.04.2002 the accused person himself did not demand any bribe to the complainant either for himself or for other person.

The evidences of the Prosecution in the point of date of demand and also demanding by accused person are not found neatly catalogued.

So, on analysis of the broad essence of the above evidences it is very hard to pin down the prosecution's case that the accused person demanded the bribe to the complainant on 10.04.2002.

...pw-1 and pw-2 are only the witnesses to elicit out the fact of accepting the money as gratification.

On incisive analysis of their evidences it is not found proved that the accused person really has accepted the bribe of Rs.100/- from the complainant during that relevant time of trap of 11.04.2002 as per his prior demand.

Another serious gap in the formation of the prosecution case forms a missing link in the chain of circumstances of the prosecution case should not be ignored altogether.

So far as the evidences are analysed it is proved that the accd. Person did not demand any bribe from the complainant.

The very foundation of the prosecution is shaken to a great extent by the infirmities one after another.

The above flaw of the prosecution case has embedded in the deep of the root.

That the complainant unambiguously stated that the complaint was written in the CBI office. Though he himself

wrote and signed the complaint yet as per his statement it appears that the complaint was written as per the version of the CBI. So, it also raises suspicion in the mind of every prudent man as to whether the complainant stated the incident to the CBI or not what is in fact contended. It also should not be discarded at all that the CBI engineered the contentions of the complaint as per their convenient to lay the trap against only a determined person, the accd. Person.

So, the direct, concrete, reliable and unimpeachable materials are found lacking in this case since the inception of instituting of this case.

Further infirmity is also found in the prosecution case.

The complainant went to obtain the fitness certificate before the accd. person in continuation of his unfit certificate (Ext.-11) issued on 3.4.2002. It is not seriously disputed. It is also undisputed that on 11.04.2002 the complainant, in the way of laying trap, went before the accd. person for such fit certificate. But that Ext.11 was issued for 10 days on and from 3.4.2002. Arithmatically it was matured on 12.04.2002 for such certificate. However for any special circumstances, the above statistic may be taken as matured on any other day either before or after that 12.04.2002. But the prosecution could not explain satisfactorily as to why the complainant went before the accd. person earlier of that 12.4.2002. So it also gives the guarantee of falsification of prosecution case. To hold the falsification the further element is added.

That apart from Ext-B it is found that the complainant was put under suspension on and from 04.04.2002 with a direction that during the period of suspension he shall not leave the head quarters without obtaining the previous permission of the competent authority. From the Ext-A it is found that the said

suspension was revoked on and from 10.06.2002. So, during this period from 04.04.2002 to 10.06.2002 the complainant had no ready requirement of having the certificate of fitness. But he was in really needed to travel on 11.04.2002 and so he obtained the same.

The presumption U/S 20(1) of the Prevention Of Corruption Act, 1988 only shall be drawn that the recovered money was taken by the accd. person as bribe from the complainant if the accd.person cannot rebut the same presumption.

.....In this case the accd. person raised the plea that he did neither demand nor accept the bribe. Further he raised a plea that he was posted as Doctor(Senior Medical Officer). He must not accept the bribe of Rs.100/- only at the cost of his service career.

From the above analysis of the materials it is already found as crystal clear that the accd. person himself did not demand any bribe and so he did not accept any bribe as per prior demand.

The prosecution could not prove the attitude of the accd. person that he had the habit of accepting the bribe for issuing the certificates. On the contrary the accd. person produced the D.W.-2, a railway employee, who deposed that the accd. person did not demand any bribe from him when he went before him for treatment and certificate.

The prosecution case suffers from serious infirmity inasmuch as the evidence adduced did not prove any of the essential ingredients of section 7 and 13(1) (d) of the act.

May be, the allegation that the appellant accepted the amount of Rs.100/- as bribe from the complainant to issue the fit certificate is true but the court cannot convict an accused only on such probability or suspicion, however, strong it may be.

Between “may be true and must be true, there is a long distance to travel” and in this case the prosecution has failed to travel that distance through any unimpeachable evidence. The case of the prosecution has not be established beyond a reasonable doubt.

Ordered

This accused person is acquitted from the above charges for the offences punishable under Section 7 and 13(1)(d) r/w. Section 13(2) of The Prevention of Corruption Act, 1988 in view of Section 248(1) Cr.P.C.”

21. It is evident from the judgment of the learned Trial Judge that the learned Trial Judge after minutely considering the ocular and documentary evidence on record has arrived at the conclusion that the prosecution has failed to prove the charge and accordingly acquitted the accused/charged officer of the charges framed against him. It is nowhere noted in the judgment that due to any technical laches or benefit of doubt the accused has been acquitted. This unequivocally evinces that the accused has been acquitted of the charges **honourably**. No appeal has been preferred challenging the judgment passed by the learned Trial Judge in the aforesaid criminal case and as such the judgment has attained finality.

22. In the decision in ***M. Paul Anthony*** the Hon’ble Apex Court has held at paragraph **22(II)** that if the departmental proceedings and the criminal case are based on identical and similar set of facts and the charge in the criminal case against the delinquent is of a grave nature which involves complicated questions of law and fact, it would be desirable to stay the departmental proceedings till the conclusion of the criminal case. Now, it is evident without any ambiguity that both the departmental

proceedings and the criminal case contain identical and similar set of facts and the charges framed in both the two proceedings are identical. The elaborate findings recorded by the learned Trial Judge in the aforesaid criminal case indicate that the charge in the criminal case involved complicated questions of law and facts. That being so, the departmental proceedings ought to have been stayed while the trial of the criminal case proceeded. What we feel, while the learned Trial Judge on conclusion of the trial **honourably** acquitted the accused/charged officer, the concerned railway authorities ought to have dropped the entire disciplinary proceedings in view of the judgment of the criminal Court. But, they failed to take any decision in this direction. Such being the position, we have no hesitation to hold that the entire departmental proceedings including the charge framed therein, the final inquiry report prepared by the inquiry officer and the final decision taken by the disciplinary authority are liable to be quashed.

23. Learned Counsel appearing for the charged officer submits that the inquiry officer failed to conduct the enquiry with fairness by observing the principles of natural justice as the charged officer was not supplied with the relevant documents to defend him properly.

24. We have gone through the evidence of all the witnesses recorded in connection with the disciplinary/departmental proceedings and find that the charged officer was given full opportunity to cross-examine the witnesses at length. We do not find that any prejudice has been caused to the charged officer to actively participate in the disciplinary/departmental proceedings.

25. Therefore, though we do not concur with some findings of the learned Tribunal pertaining to maintainability of the disciplinary proceedings, we agree with its penultimate decision on quashing the entire disciplinary proceedings.

26. In the light of the findings as recorded above, the writ petition being W.P.C.T 79 of 2021 merits dismissal and the writ petition being W.P.C.T 64 of 2021 preferred by the charged officer Dr. Goutam Roy succeeds .

27. Accordingly, W.P.C.T 79 of 2021 is dismissed and W.P.C.T 64 of 2021 is allowed on contest.

28. The petitioners of W.P.C.T 79 of 2021 are directed to reinstate the petitioner Dr. Goutam Roy of W.P.C.T 64 of 2021 in his service forthwith.

29. The Railway Authorities are directed to clear all the arrear pay/salary and all the consequential service benefits to the petitioner Dr. Goutam Roy treating his service as continuing service within two months from date.

30. Thus the writ petitions are disposed of.

31. No order as to costs.

32. Urgent certified website copies of this judgement, if applied for, be given to the parties upon compliance with all requisite formalities.

(*Rabindranath Samanta,J.*)

I agree,

(*Harish Tandon,J.*)