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ORISSA HIGH COURT: CUTTACK

W.P.(C) No.4916 of 2019

In the matter of an application under Articles 226 and 227 of the Constitution of India

Narayan Swain

.....

Petitioner

-Versus-

State of Orissa and others

.....

Opp. Parties

**For Petitioner : Mr. Sukanta Kumar Dalai
(Advocate)**

**For Opp. Parties : Mr. Gajendra Rout
(Addl. Standing Counsel)**

P R E S E N T:

THE HONOURABLE MR. JUSTICE SANJAY KUMAR MISHRA

DECIDED ON: 10.11.2022

S.K. Mishra, J. The Petitioner has preferred the present Writ Petition challenging the Order dated 27.01.2018, as at Annexure-4, vide which the Collector-Cum-CEO, Zilla Parishad, Angul, disengaged the Petitioner from service w.e.f. 21.12.2017 and terminated the Agreement made with him from the date of disengagement, so also Office Order dated 21.07.2018, as at Annexure-6, passed by the

Director, Panchayati Raj & Drinking Water Department, vide which the Order dated 27.01.2018 issued by the Collector-Cum-CEO, Zilla Parishad, Angul, was upheld allegedly in exercise of the power conferred on him in terms of the Department Office Order dated 14.03.2018.

2. The factual matrix of the case, in brief, is that in terms of Advertisement for appointment/engagement of Grama Panchayat Technical Assistant (for short 'GPTA'), having qualification of Diploma (Civil) under Mahatma Gandhi National Rural Employment Guarantee Scheme on contractual basis, the Petitioner got selected and by Order dated 25.10.2010, he was appointed as such and posted at Kishorenagar Block.

The Petitioner, in terms of engagement and in consonance with Government guidelines, executed an Agreement with O.P. No.2 with certain terms and conditions on 02.03.2017. In course of service period, he discharged his duties with utmost sincerity and to the best satisfaction of the Authorities without any adverse remark.

While the matter stood thus, the Government decided to absorb the GPTAs as Junior Engineer in the Orissa Diploma Engineer Services Cadre of Panchayati Raj & Drinking Water Department, vide Department Resolution dated 19.03.2018. Pursuant to the same, the Director, PR & DW Department, issued letter to the Collector-Cum-Chief Executive Officer/Project Director, DRDA, Angul, for verification and authentication of the database of GPTAs under regularization process. In the said list, the Petitioner's name finds place at Sl. No.13.

The Petitioner was discharging his duties with utmost sincerity having experience and on the eve of regularization of his service as per Government policy, all of a sudden, due to some ill motive and political vendetta, the Petitioner was implicated in a Vigilance Case and also arrested for some time. Pursuant to the same, on being informed by the Vigilance Department, the Collector-Cum-CEO, Zilla Parishad, Angul, by Order dated 27.01.2018, disengaged the Petitioner from service and also terminated the

Agreement w.e.f. 27.01.2018 i.e. from the date of his disengagement.

3. Being aggrieved by such Order dated 27.01.2018, the Petitioner approached this Court in W.P.(C) No.5863/2018 challenging the Order of disengagement on the ground of violation of principles of natural justice, without authority and contrary to the terms of contract, so also being contrary to the Office Order dated 14.03.2018.

4. It is further case of the Petitioner that Article 311 of the Constitution has laid down the procedure for removal and dismissal of the persons employed in civil capacity of the State and Union and the same is also applicable to contractual employees in terms of the settled position of law and the mandate of Constitution is that before dismissal, the concerned employee has to be given reasonable opportunity of hearing and without framing of charge or issuance of show-cause, nobody can be removed from service. But, in the case of the Petitioner, in gross violation to the mandate of Constitution, he has been thrown away from service. It has also been stated by the

Petitioner that though the Agreement speaks his terms of appointment, but so far as disciplinary action is concerned, the same is completely silent and the disciplinary action and mode of procedure for giving effect to the disengagement/termination were given through different Government Circulars, which have been appended to Writ petition, as Annexure-5 Series.

In view of such Circulars, as at Annexure-5 Series, in the event, if any GPTA is implicated in a vigilance or criminal prosecution, he shall be disengaged temporarily by the disciplinary Authority i.e. Director, PR & DW Department, until further Order and disciplinary action shall be initiated against him under Para-9(a)(i) of Office Order dated 14.03.2018. As per the Office Order dated 27.04.2017, the report is to be sent by the Collector or by the Project Director, DRDA, to the Government and after receipt of a report, the PR & DW Department should issue a show cause notice to the concerned GPTA containing the charges directing him to submit his reply within a specified period not more than 30 days. The documents, if any,

relied upon by the disciplinary Authority, should be communicated to the erring GPTA along with show cause notice. But in the case at hand, neither a show cause notice nor any document was given to the Petitioner. The Collector-Cum-CEO, Zilla Parishad, Angul, who is not the competent Authority, passed an Order dated 27.01.2018 by disengaging the Petitioner w.e.f. 27.12.2017, which is a product of non-application of mind and unsustainable in the eye of law. It is also stated that during pendency of W.P.(C) No.5863/2018, which was disposed of on 14.08.2018, the Order of disengagement passed by the Collector dated 27.01.2018, under Annexure-4, was confirmed with a retrospective effect, which is contrary to the terms of appointment and Government guidelines and hence, the said Writ Petition was withdrawn with a liberty to file a fresh Writ Petition. Accordingly, the present Writ Petition has been preferred by the Petitioner challenging the said Order dated 27.01.2018, so also confirming Order dated 21.07.2018 passed by the Director, PR & DW Department.

5. It has further been contended that Office Order dated 21.07.2018, as at Annexure-6, clearly speaks that the Director, PR & DW Department is the Disciplinary Authority in respect of GPTA. But, in case of Petitioner, he has been removed from service by the Collector, who is not competent to disengage the Petitioner. Though ventilating his grievances with regard to revoking the Order of disengagement and re-engagement in service, the Petitioner gave series of representations, but all in vain. Because of such illegal action of the Authority concerned, the Petitioner was being debarred from the benefit of regularization in terms of Resolution dated 19.03.2018 of the PR & DW Department.

6. In response to averments made in the Writ Petition, the Opposite Parties have filed a Counter Affidavit. The sum and substance of the Counter Affidavit is that the Collector-Cum-CEO, Zilla Parishad, Angul, has disengaged the Petitioner as the 1st Party of the Agreement vide Order dated 27.01.2018, which was also communicated to the P.R. Department and the Petitioner has received the said

disengagement Order on 31.01.2018. It has also been confirmed by the Director, PR & DW Department, vide Office Order dated 21.07.2018. The Collector is competent to issue the Order of termination as the same has been issued prior to the Office Order dated 14.03.2018. It has also been contended in the Counter Affidavit that the Petitioner was a contractual employee and has been disengaged as per the Agreement made with the 1st Party and basing on letter dated 09.01.2018 of General Administration (Vigilance) Department, Cuttack. It is also the stand of the Opposite Parties that as per Paragraph-9 of the Agreement, as prescribed by the Government in PR & DW Department vide letter dated 21.08.2007, the Collector-Cum-CEO, Zilla Parishad, Angul, as the 1st Party, has power to disengage the GPTAs without notice on the ground of misconduct during operation of Agreement. It is further stated that the Petitioner was caught red handed by the Vigilance Officials while demanding and accepting illegal gratification of Rs.21,000/- from the Complainant-Basanta Kumar Sahoo inside his Government residential

quarter and being forwarded, remained in custody from 14.12.2017 to 27.12.2017. The Collector-Cum-CEO, Zilla Parishad, Angul, was satisfied to disengage the Petitioner from the post on the basis of communication made by the General Administration (Vigilance) Department, Cuttack, vide letter dated 09.01.2018 and the same was rightly upheld by the Director, PR & DW Department, vide Office Order dated 21.07.2018.

7. This Court, after hearing the learned Counsel for the Parties, vide Order dated 20.09.2022, directed learned Counsel for the State, which is reproduced below for ready reference.

“2. Heard learned Counsel for the Petitioner so also for the Opposite Parties. Learned Counsel for the Petitioner submitted that vide Office Order dated 27.04.2017 as at Annexure-5 series, there is a mention that GPTAs will be engaged henceforth by the Director, PR instead of Collector and will be the Appointing and Disciplinary Authority to take disciplinary action, including removal, as and when required, on getting report from the Collector-Cum-CEO and BDO concerned and the Collector-cum-CEO, Zilla Parishad, Angul was incompetent to issue Office Order No.208, dated 27.01.2018, as at Annexure-4, impugned in the present Writ Petition.

3. Learned Counsel for the State seeks for a week's time to take instruction in the said regard as the said stand taken by the Petitioner has not been specifically dealt in the Counter Affidavit filed by the State.

4. List the matter after one week. Instruction, as prayed for, be obtained in the meantime."

8. Being so directed, learned Counsel for the State reiterates the stand taken in the Counter Affidavit and submits that in terms of Office Order dated 14.03.2018, to streamline the service conditions of the GPTAs and to make them accountable for any commission/omission, the Government in PR & DW Department, has been pleased to modify the guidelines issued earlier. In terms of Paragraph-9 of the said Office Order dated 14.03.2018, the Director, PR & DW Department, is the Appointing and Disciplinary Authority to take disciplinary action, including removal, as and when required, on getting report from Collector-Cum-CEO, Zilla Parishad, and BDO concerned.

9. In response to the argument advanced by the learned Counsel for the State, Mr. Dalai, learned Counsel for the Petitioner, submits that the said Office Order dated 14.03.2018 is in supersession of all previous Order issued

in the said regard. In terms of Paragraph-1 of the said Office Order dated 14.03.2018, the Director, PR & DW Department, being the Appointing Authority as well as Disciplinary Authority in respect of the GPTAs, the impugned Order dated 27.01.2018, as at Annexure-4, passed by the Collector-Cum-CEO, Zilla Parishad, Angul, he being incompetent to pass such an Order, is without authority and hence, the impugned Order dated 27.01.2018, as at Annexure-4, so also confirming Order dated 21.07.2018, as at Annexure-6, are bad and liable to be set aside.

10. Learned Counsel for the State submits that since the Petitioner was engaged as GPTA in terms of the Agreement dated 01.04.2009, as at Annexure-A/4, entered into between the Collector-Cum-CEO, Zilla Parishad, Angul, as the 1st Party, the Present Petitioner being the 2nd Party to the said Agreement, his service conditions are abided by the terms of the said Agreement and the Collector-Cum-CEO, Zilla Parishad, Angul, rightly exercised his power as the Disciplinary Authority in terms of Clause-9 of the said

Agreement on the ground of misconduct committed by the Petitioner during operation of the said Agreement, as the Petitioner was implicated in a Vigilance Case and same was duly intimated to the Collector-Cum-CEO, Zilla Parishad, Angul, by the Deputy Secretary to Government, General Administration (Vigilance) Department, Cuttack, vide letter dated 09.01.2018, as at Annexure-B/4 to the Counter Affidavit.

Learned Counsel for the State submits that there is no illegality or irregularity in the impugned Order, as at Annexure-4, as the same is dated 27.01.2018, whereas the Office Order, as at Annexure-5 Series, is dated 14.03.2018 and it does not reflect that the same has been issued in supersession of previous Orders/letters issued in the said regard.

Learned Counsel for the State further submits that even if it is admitted for the sake of the argument, the disengagement Order issued by the Collector is illegal, there is an alternative provision of appeal in terms of Paragraph-9 (b) of the Office Order dated 14.03.2018,

which has been appended to the Writ Petition as Annexure-5 Series, and in view of availability of such alternative remedy, the Writ Petition is not maintainable.

11. Mr. Dalai, learned Counsel for the Petitioner, submits that even prior to the Office Order dated 14.03.2018, a similar provision was there i.e. Office Order dated 27.04.2017, as at Annexure-5 Series, and Paragraph-9 of the said Office Order also prescribes the identical provision, which has been reiterated in the subsequent Office Order dated 14.03.2018 and in the bottom of both the said Office Orders dated 27.04.2017 and 14.03.2018, it has been clearly mentioned that the said Orders supersede all previous Orders/letters issued in the said regard and the submissions made by the learned Counsel for the State are incorrect and misleading, being contrary to the provisions detailed in the Office Orders, as at Annexure-5 Series.

Mr. Dalai, learned Counsel for the Petitioner further submits that the Order of disengagement of the Petitioner being contrary to the guidelines prescribed under Office Orders, as at Annexure-5 Series, and being dehors

provisions enshrined in the said Office Orders, is *per se* illegal, and the Collector-Cum-CEO, Zilla Parishad, Angul, being incompetent to issue the impugned Order dated 27.01.2018, the same deserves to be set aside.

Mr. Dalai, learned Counsel for the Petitioner, submits that had the impugned Order been passed in terms of the Office Order dated 27.04.2017, so also Office Order dated 14.03.2018 by the competent Authority i.e. Director, PR & DW Department, it would have been obligatory on the part of the Petitioner to prefer an Appeal in terms of the said Office Orders and as an incompetent person i.e. Collector, has issued the disengagement Order, the Petitioner is remediless and rightly has invoked writ jurisdiction for redressal of his grievances.

12. For proper adjudication of the matter, it is apposite to take note of Paragraphs-1, 3, 9 and 14 of the Office Order dated 27.04.2017, which read as follows:

1. The GPTAs will be henceforth engaged by Director, PR instead of Collector as in case of Junior Engineers and placed at the disposal of Collector for their detail posting within the District as per requisition received from Collector-cum-CEO of Zilla Parishad concerned.

3. The Collectors-cum-CEO, Zilla Parishad will renew the agreement subject to satisfactory performance of the GPTAs after one year under intimation to Government.

9. The Director, PR will be the appointing and disciplinary authority to take disciplinary action including removal as and when required on getting report from Collector-cum-CEO and BDO concerned.

14. The GPTAs who are posted to Blocks by Collector-cum-CEO will be allotted GPs by BDO-cum-Programme Officer.

The Revised Model of **AGREEMENT** is enclosed herewith for kind reference.

All previous orders/letters issued in this regard are superseded.

By the Order of the Governor
Sd/-
Commissioner-cum-Secretary
to Government”

(Emphasis supplied)

Similarly, Paragraphs 1 and 9 of the Office Order dated 14.03.2018 are reproduced hereunder:

1. The Director, Panchayati Raj, PR & DW Department shall be the appointing authority as well as Disciplinary Authority in respect of the GPTAs. As such, the engagement of GPTAs in different districts shall be decided by the Director, PR on the basis of the requisitions received from Collector-cum-CEO, Zilla Parishad of concerned districts.

9. The Director, PR, PR & DW Deptt. being the Disciplinary Authority of the GPTAs, will initiate disciplinary action against them in the manner as mentioned below.

a) The Director, PR, Panchayati Raj & D.W. Department, being the Disciplinary Authority is empowered to initiate disciplinary action against the erring G.P.T.As. for their alleged lapses i.e. commission of financial irregularities, negligence in duties, demanding and accepting illegal gratification and any other misconduct etc. The following procedure is to be adopted for initiation of disciplinary action against the erring GPTAs.

i. On receipt of a report from the officers of P.R. & D.W. Department/Collectors/P.D., DRDAs/BDOs relating to lapses on the part of any GPTA and on the basis of prime-facie material, a show cause notice will be issued to the concerned GPTA containing the charges directing him/her to submit his/her reply within a specified period not more than 30 days. The documents, if any, relied by the Disciplinary Authority, shall be communicated to the erring GPTA along with the show cause notice.

ii. In case of prime-facie evidence of serious lapses on the part of any GPTA or in the event of being implicated in a Vigilance or criminal prosecution, the concerned GPTA shall immediately be disengaged temporarily by the Disciplinary Authority i.e. Director, PR until further order and disciplinary action shall be initiated against him/her as per para-9(a)(i) above.

iii. In case the erring GPTA does not submit her/ her show cause reply within the specified time, the matter may be decided exparte on its own merit as deemed just & proper. If the erring GPTA desired to be heard in person by the Disciplinary Authority, he/she will indicate the same specifically in his/her show cause reply.

iv. On receipt of the show cause reply and after giving such personal hearing, if so required, the Disciplinary Authority shall consider and dispose of the disciplinary

proceeding on its merit. The Disciplinary Authority subject to his satisfaction may call for a report from relevant authority before disposal of the disciplinary proceeding.

b) If the Disciplinary Authority is of the opinion that the charges leveled against the erring GPTAs are established to his satisfaction, the Disciplinary Authority shall conclude the proceeding imposing any of the following penalties considering the gravity of the charges established against him.

i. Disengagement from the service.

ii. Temporary disengagement from service, which shall not be counted at the time of regularization of his/her service in the regular cadre.

iii. Recovery of such pecuniary loss caused to the Government or such other authority.

iv. Warning to be careful in nature.

c) In case of conviction of a GPTA in Vigilance Case, the nature of penalty to be imposed in him shall be as decided by the Disciplinary authority.

d) In case of being aggrieved with the order of the Disciplinary authority under Para -9(b) above, the erring GPTA may prefer appeal before the Principal Secretary to Government, P.R. & D. W. Department within 30 days from the date of receipt of the order.

e) Decision of the Principal Secretary to Government P.R. & D.W. Department in the matter shall be final and binding.

10. The Collector-cum-CEO is vested with the power of transferring Gram Panchayat Technical Assistants within the District, from one Block to other for smooth implementation of MGNREGA Scheme.

11. The GPTAs will be transferred from one district to another in the exigency of public service and on personal representation at Government level.

12. The GPTAs who are posted to Blocks by Collector-cum-CEO will be allotted PGs by BDO-cum-Programme Officer.

All previous orders/letters issued in this regard are hereby superseded.”

By Order of the Governor
Sd/-
Principal Secretary to
Government”

(Emphasis supplied)

13. It is amply clear from the said Office Orders (supra), the relevant provisions of which have been quoted above, since the Petitioner's services were brought to an end as a disciplinary measure because of his involvement in Vigilance P.S. Case No.57, dated 13.12.2017 under Section 7 of the P.C. Act, 1988, based on the communication dated 09.01.2018 of the Deputy Secretary to Government, Government of Odisha, General Administration (Vigilance) Department, Cuttack, in terms of the Office Order dated 27.04.2017, which was in vogue, instead of the Director, PR & DW Department, who is competent to act as Disciplinary Authority and take disciplinary action, including removal,

as and when required, on getting report from Collector-Cum-CEO and BDO concerned, the impugned Order dated 27.01.2018 was issued by the Collector-Cum-CEO, Zilla Parishad, Angul, who is incompetent to issue the said Order. As it seems from the Office Order dated 21.07.2018, as at Annexure-6 of the Writ Petition, in order to patch up the lacuna in the impugned Order dated 27.01.2018, the Director, PR & DW Department passed the Office Order dated 21.07.2018, the relevant Paragraph of which reads as follows:

“Now, therefore, the undersigned i.e. the Disciplinary Authority, in exercise of the power conferred upon him in terms of this Department Office Order No.5011, dated 14.03.2018, does hereby disengage the said Sri Narayan Swain, GPTA, Athamallick Block, Dist-Angul from the said post with effect from 27.01.2018 and consequently, the Order No.208, dated 27.01.2018 issued by Collector-cum-CEO, Zilla Parishad, Angul is hereby upheld.”

(Emphasis supplied)

14. From the said Paragraph, it is well revealed that though the Director, PR & DW Department, referring to Office Order dated 14.03.2018, styled himself as the “Disciplinary Authority”, but simultaneously acted as an

Appellate Authority, as observed vide Paragraph-9 quoted above, to the effect that Office Order dated 27.01.2018 issued by the Collector-Cum-CEO, Zilla Parishad, Angul, is upheld by him.

Needless to mention here that Paragraph-9 of the Office Order dated 27.04.2017 prescribes that the Director, PR & DW Department, is the Appointing and Disciplinary Authority to take disciplinary action, including removal. Similarly, the same provision has been reiterated in Paragraph-1 of the subsequent Office Order dated 14.03.2018. In Paragraph-9 of the said Office Order (supra), it has been detailed as to how disciplinary action will be initiated by the Director, PR & DW Department, he being the Disciplinary Authority of GPTAs. Further, Paragraph-9(c) of the said Office Order dated 14.03.2018 prescribes that if a GPTA is convicted in Vigilance Case, the nature of penalty imposed on him shall be decided by the Disciplinary Authority. Similarly Paragraph-9(d) of the said Office Order prescribes that if the GPTA is aggrieved by the Order passed by the Disciplinary Authority under

Paragraph-9(b) of the said Office Order, he may prefer an Appeal before the Principal Secretary to Government, PR & DW Department within 30 days from the date of receipt of the said Order.

15. In Paragraph 10 of the Counter Affidavit filed by the Opposite Parties, it has been stated as follows:

“That in reply to the averments made in Para-5(c) of the writ petition it is humbly submitted that as per Para-9 of the agreement prescribed by Govt. in P.R. & D.W. Department vide letter No.27556 dtd. 21.08.2007, the Collector-cum-CEO, Zilla Parishad, Angul as first party power to disengage the GPTAs without any notice on the ground of misconduct during this agreement period. True copy of the agreement dtd. 1.4.2009 is annexed herewith as Annexure-A/4.”

16. Admittedly, the Collector-Cum-CEO, Zilla Parishad, Angul, was not competent to exercise his power as the Appointing/Disciplinary Authority of GPTAs as on the date of issuance of the impugned Order dated 27.01.2018 in view of the Office Order dated 27.04.2017, which was in vogue, vide which the power was vested on the Director, PR & DW Department, to act as the Disciplinary Authority instead of the Collector and in the said Office Order, it has

been clearly mentioned that “All previous orders/letters issued in this regard are superseded.”

Further, though one of the impugned Order dated 27.01.2018 was passed by the Collector-Cum-CEO, Zilla Parishad, Angul, terminating the service of the Petitioner, the subsequent impugned Order was passed by the Director, PR & DW Department on 21.07.2018, referring to Office Order dated 14.03.2018 of the Government of Odisha, Panchayati Raj & Drinking Water Department, though the said Order had not seen the light of the day as on the date of passing of the Order of termination dated 27.01.2018 by the Collector-Cum-CEO, Zilla Parishad, Angul, and came into effect much after the impugned Order dated 27.01.2018, as at Annexure-4, was issued by the Collector.

17. Law is well settled that if the power has been vested with the particular Authority, same can only be exercised by the same Authority. In **Zuari Cement Limited v. Regional Director, Employees’ State Insurance Corporation, Hyderabad and others**, reported in (2015) 7

SCC 690, the apex Court held that it is the basic principle of law long settled that if the manner of doing a particular act is prescribed under any statute, the act must be done in that manner or not at all. The origin of this Rule is traceable to the decision in **Taylor v. Taylor**, reported in (1875) LR I Ch D 426, which was subsequently followed by Lord Roche in **Nazir Ahmad v. King Emperor**, reported in AIR 1936 PC 253(2) and subsequently, the said principle has also been followed in **Babu Verghese v. Bar Council of Kerala**, reported in (1999) 3 SCC 422.

18. In **Nazir Ahmed v. King Emperor**, reported in AIR 1936 PC 253, it was held that “where a power is given to do a certain thing in a certain way the thing must be done in that way or not at all. Other methods of performance are necessarily forbidden.” The said principles have been followed subsequently in **State of Uttar Pradesh v. Singhara Singh**, reported in AIR 1964 SC 358, **Dhananjay Reddy v. State of Karnataka**, reported in AIR 2001 SC 1512, **Chandra Kishore Jha v. Mahabir Prasad**, reported in AIR 1999 SC 3558, **Gujrat Urja Vikas Nigam Ltd. v.**

Essar Power Ltd., reported in AIR 2008 SC 1921, **Ram Deen Maurya v. State of U.P.**, reported in (2009) 6 SCC 735.

19. It is apt to refer here the legal maxim “Expressio Unius est exclusion alterius” i.e. if a statute provides for a thing to be done in a particular manner, then it has to be done in that manner and any other manner are barred.

20. In view of such pleadings on record, so also arguments advanced by the learned Counsels for the Parties, settled position of law and the provisions enshrined under Office Order dated 27.04.2017, as at Annexure-5 Series, this Court is of the view that the impugned Order dated 27.01.2018, as at Annexure-4, issued by the Collector-Cum-CEO, Zilla Parishad, Angul, disengaging the Petitioner from Government service w.e.f. 21.12.2017 and terminating the Agreement of the Petitioner from the date of such disengagement, so also the confirming Order dated 21.07.2018 passed based on the disengagement Order dated 27.01.2018, issued by the Collector-Cum-CEO, Zilla Parishad, Angul, referring to Office Order dated

14.03.2018, which came into force much after issuance of disengagement Order dated 27.01.2018, are bad and liable to be set aside. Accordingly, both the Orders dated 27.01.2018 and 21.07.2018, as at Annexures - 4 & 6 respectively, are hereby set aside.

21. The Petitioner be reinstated in his service with all service benefits i.e. what he would have been entitled to had he been allowed to continue in the said post from the date his disengagement till the date of his reinstatement.

22. Needless to mention here that it is open for the Authority concerned to act against the Petitioner in terms of Office Orders dated 27.04.2017 and 14.03.2018, if so advised.

23. Accordingly, the Writ Petition is disposed of. No Order as to cost.

(S.K. MISHRA)
JUDGE

