

IN THE HIGH COURT AT CALCUTTA

(Constitutional Writ Jurisdiction)

APPELLATE SIDE

Present:

The Hon'ble Justice Krishna Rao

WPA 414 of 2003

Jagtar Singh

Vs.

Union of India & Ors.

Mr. K.B.S Mahapatra
Mr. G.C Chakraborty
Mr. Kasinath Bhattacharya

.....For the Petitioner

Mr. Partha Ghosh
Mr. Amal Kumar Datta

.....For Union of India

Heard on : 14.07.2022, 26.07.2022, 25.08.2022 & 05.01.2023

Judgment on : 19.01.2023

Krishna Rao, J.: -

In the present writ application, the writ petitioner has challenged the order passed by the Disciplinary Authority dt. 20th August, 1999 wherein punishment of removal from service is awarded and the order passed by the Appellate Authority dt. 22nd April, 2000 wherein the Appellate Authority has

rejected the appeal preferred by the appellant and upheld the order passed by the disciplinary authority.

The petitioner was working as Constable in the Central Industrial Security Force (herein after referred as "CISF") and was posted at 12th Reserve Battalion, Farakka and was required to perform his duty at North Eastern States of Assam, Nagaland and Tripura etc.

On 3rd March, 1999, the Disciplinary Authority of the petitioner had issued Charge Memorandum against the petitioner on the allegation that when the petitioner was on duty from 21:00 hours in the night of 27th March, 1998 till 01:00 hours on 28th March, 1998, the petitioner had consumed liquor and due to his negligence when he was on duty at 21:05 hours one round has been fired from his Butt No. 31, Regd. No. 16142970 S.L.R due to which the petitioner himself suffered serious injury on his face.

On receipt of the charge memo, the petitioner had submitted his written statement of defense by denying the charges leveled against the petitioner, accordingly, the Disciplinary Authority had appointed Enquiry Officer for regular inquiry. During enquiry altogether four witnesses were examined to prove the charges leveled against the petitioner. On completion of inquiry, it was find that the first charge with regard to the consumption of liquor was not proved but the second charge was proved, the Disciplinary Authority had passed the order of removal of the petitioner from service which was subsequently upheld by the appellate authority.

Mr. K.B.S Mahapatra along with his assisting advocates representing the petitioner submits that as per charge memo, two charges were leveled against the petitioner and both the charges were interlinked and if one of the charges is not proved, it cannot be said that the second charge is proved.

Mr. Mahapatra submits that the Enquiry Officer as well as both the authorities i.e. Disciplinary Authority and Appellate Authority have not considered the evidence on record and have wrongly come to the conclusion that the second charge is proved.

Mr. Mahapatra submits that incident of firing of one round from the Butt of the petitioner was an accidental but the authorities have wrongly considered as misconduct on the part of the petitioner.

Mr. Mahapatra submits that the Enquiry Officer and both the authorities have relied upon the evidence of one Shri P.K. Saha who is alleged to be a trained Armourer as an expert but the petitioner was not given an opportunity to cross examine the said witnesses and have also not supply the copy of statement of the said witness.

Mr. Mahapatra submits that there are sufficient evidence on record to show that the due to rainy weather the road was slippery as road was kutcha road and no torch was issued and at the place of incident mark of slippery of the foot near ditch was found.

Mr. Mahapatra submits that during the examination of the petitioner as Charge Officer by the Enquiry Officer, the petitioner has clarified that *“there was order to alert always and do act as per situation and to fire as reply against any fire of any militants, but there is no particular order to be cocked the SLR always. It was night time hence SLR was cocked since verbal order was there during night time”*.

Mr. Mahapatra submits that the petitioner also clarified during his examination that “there may be a reason as the charge lever of safety clutch of his SLR position changed from S to R by rubbing with my uniform or push by my body pressure of hand or etc.”

Mr. Mahapatra submits that the Disciplinary Authority and the Appellate Authority have wrongly come to conclusion about the misconduct of the petitioner.

Mr. Mahapatra relied upon the judgment reported in **(1986) LAB.I.C. 1961 (Calcutta)** and submits that *“misconduct is of very wide amplitude and meaning. Misconduct in common parlance means bad conduct and some sort of an ill motive or bad motive is an essential ingredient in imputing misconduct on to an individual”*.

Per contra, Mr. Partha Ghosh with Mr. Amal Kumar Dutta Learned Advocates representing the respondents submits that the writ petition filed by the petitioner is barred by limitation as the Appellate Authority has passed the

order on 22nd April, 2000 and the petitioner has filed the instant writ petition in the month of January, 2003 without explaining the delay.

Mr. Ghosh submits that due to delay third party interest has occurred and, if any, order is passed in favor of the petitioner third party interest will be effected.

Mr. Ghosh submits that petitioner has not challenged the impugned orders on the ground of opportunity of hearing or any biasness on the part of the authorities.

Mr. Ghosh submits that in the writ jurisdiction this Court is having limited jurisdiction to entertain the disciplinary proceedings as the Disciplinary Authority and the Appellate Authority have passed impugned order after considering evidence and materials on record and this court cannot re-appreciate the evidence.

Mr. Ghosh submits that the act of the petitioner endangering of life of self and fellow officials and the CISF being the paramilitary and highly disciplinary force cannot take risk of the conduct of the petitioner.

Mr. Ghosh submits that the Disciplinary Authority is the Judge to decide the conduct of the petitioner is misconduct or not and in the instant case, the Disciplinary Authority has categorically held that the act of the petitioner is misconduct.

Mr. Ghosh submits that the petitioner has admitted during the cross examination by the Enquiry Officer that his SLR got cocked by him as a result one round gone into the chamber and safety catch / change lever of his SLR was on “S” position before proceeding on duty on 27th March, 1998.

Mr. Ghosh submits that misconduct is bad management, improper behavior according to some code, to mismanage and to conduct improperly.

Mr. Ghosh relied upon unreported judgment passed by Division Bench of this Court in FMA No. 839 of 2021 (Manoj Kumar Singh -versus- Union of India & Ors.) and submits that it is well settled law that a writ court is not a court of appeal in the cases of departmental proceedings and prayed for dismissal of the writ application.

Heard the learned counsel for the respective parties, considered the materials on record and the Judgment relied by the parties.

Altogether two charges were leveled against the petitioner. After full fledged inquiry, it is held that the first charge is not proved with regard to the consumption of liquor during duty hours or at the time of incident. The second charge i.e. during his duty from 21:00 hours on 27.03.1998 to 01:00 hours on 28.03.1998 at around 21:05 hours one round has been fired from Butt No. 31, Regd No.16142970 SLR causing serious injury on his face has been established.

The Disciplinary Authority while imposing punishment of removal from service held that :

“It has been established from the deposition and PW-4 No.944330467 HC/GD Daya Ram Kote NCO of SBSS Salakati that charged official was issued SLR Butt No. 31 with 50 live rounds, Magazine 02 Nos. Rifle sling 01 No. and securing chain 01 No. and all the above were deposited by the HC/GD Birja Singh of 12th Res. Bn. Farakka except one live round and in that place one fired empty cartridge was deposited. PW-3 No. 924651900 Constable Gurmeet Singh who was detailed alongwith the charged official deposed that around 2105 hrs that he heard a bullet sound and he alongwith Insp/Exe K C Patel Constable Muktiar Ram and Jaswinder Singh searched the area and found Constable Jagtar Singh lying unconscious with his face covered with blood. They brought him to C/Room of Salakati from where he was sent to BRPL Hospital and he accompanied charged official alongwith Const. D. K. Gotra and Const. S.B. Kohli. Charged Official in his reply to question No. 6 & 7 of EO dated 20.07.99 has stated that one round was fired from his SLR on 27.03.98 during the course of his duty. The statement of CW-1 No. 762050011 Insp/Exe K.C. Patel who was the Coy. Commandar of charged official during the relevant period, corroborates the statement of PW-3 Const. Gurmeet Singh which established that on 27.03.98 charged official was detailed at Tower No. 1 road PTL with Constable Gurmeet Singh PW-3 from 0900 hrs to 1300 hrs and 2100 hrs to 0100 hrs on 28.03.98. He produced exhibit which has been filed as Ex-CW-1. He deposed that around 2105 hrs on 27.3.98, he heard a sound of some kind firing of arms and hence send CHM HC Birja Singh to search. In the meantime PW-3 Const. Gurmeet Singh informed him that charged official is lying in a ditch near tower No. 1 of 400 KV. So he alongwith other rushed to the spot and found Const. Jagtar Singh in full uniform was lying flat in a ditch. SLR butt No. 31 was lying away from him and blood was coming from his mouth and some abnormal sound was coming from his mouth. Immediately he was shifted to Control Room of SBSS Salakati also arrived at C/R and on checking of his Arms and Ammunitions, it was found that one round ammunition was short which was assumed to have fired. Thereafter as per instruction of AD Const. Jagtar Singh was sent to BRPL Hospital by Ambulance accompanied by Const. Gurmeet Singh and Const. D.K.Gotra. He further deposed that he himself also reached at BPRL Hospital from where he accompanied Const. Jagtar Singh to GMC Guwahati for further treatment as referred by BRPL Hospital as per referred slip issued by BRPL Medical Hospital. Since one round had been fired from SLR Butt No.31 issued to charged official during his duty hours causing serious injury to his face and he became unconscious due to haemorrhage and no other eye witness were available at the site of accident, the cause of fire

need to be established by way of the opinion of technical experts and probabilities. The EO has therefore summoned the Bn.Kote Armourer No. 852200137 Ct. P.K. Saha as CW who has under gone a successful Armourer course in the Workshop No. 5 CRPF Gandhinagar Gujrat from 03.6.91 to 25.4.92. As per the deposition of trained Armourer who handles the Bn. weapons since April 97 to some quarries of EO in the presence of charged official that when SLR is loaded (into the chamber) and safety catch/change liver of SLR is on 'S' position, then fire will not be opened even the trigger is pressed. He further stated that for change of safety catch/change liver of SLR from 'S' to 'R' or 'R' to 'S'. Some pressure is required and for trigger operation, it has to push/press the safety catch by thumb/finger from 'S' to 'R' then operate the trigger. As such two stage action is required for operation and in one motion it would not be possible.

05. It is clear from the statement of CW Const. P.K. Saha that the SLR weapon has got certain safety parts, which should be properly used by the person handling the weapon. There is a safety catch which is to be kept in 'S' position (safety) and in case it is to be fired, it should be moved from 'S' position to 'R' position. The safety catch will not move from 'R' position to 'S' position automatically, unless it is pushed from left to right by using slight force. In addition, there is a trigger guard to protect the trigger from accidental pressing of trigger. This trigger operates by using force from upwards to downwards. If safety catch is in 'S' position the trigger will not operate. The position of trigger is slightly diagonal above the safety catch. Even assuming there was an accidental slip, the hand or finger would have touched the trigger only, that too with great difficulty. In such a case the trigger will not operate if the safety catch is in 'S' position. As per the practice in vogue the rifle will not be loaded, but it will be in charged magazine position. In case an imminent danger the rifle will be cocked which would have taken hardly a second or so.

06. There are certain time tested in built safety devices, to avoid any accidental firing, so that the life of self and colleagues lives are not endangered. Firstly there was no such threats or imminent danger of any insurgents, where the charged official had to load the rifle. His alibi of that he slipped and fell into a ditch thereby one bullet went off accidentally is not acceptable, because if the safety catch is in 'S' position, the trigger will not operate, secondly, the movement of safety catch is left to right and right to left whereas, the trigger operation is by pressing the trigger downwards. Presuming for argument sake that the charged official slipped, at any rate the movement of his body or hand cannot be from left to right or 'S' to 'R' (as charged official deposed that the safety catch was in 'S' position) and again the movement will be from top to bottom causing pressure to the trigger which resulted in the firing of trigger guard also to protect any accidental pressing of trigger guard.

07. The charged official is a STF Commando trained to handle the SLR weapon and that was not the first day he was performing duty with the SLR weapon. Safety precautions of keeping the safety catch is always taught and time and again it is emphasized. There was no instruction to load the rifle, when there was no imminent danger or exchange of bullets from any terrorist. He was performing duty well within the perimeter wall.

08. The argument put forwarded by the charged official that he fell into a ditch and due to the impact the bullet went off and he got injured cannot be accepted.

09. It was proved that the charged official violated the cardinal principles of safety and he handled the weapon casually and with negligence and due to this firing, the bullet went through the lower jaw and the bullet went out damaging his gum and teeth and passing through the forehead. From the records it is known he was immediately evacuated to Guwahati Medical College from BRPL Hospital, where he underwent major operation to save his life. Later on, he has undergoing treatment in PG-I Hospital Chandigarh for a long duration.

10. Because of carelessness and negligence the charged official might have fiddled with his weapon, thereby getting serious injury. Had there been some other person nearby that would have endangered others life also.”

The petitioner being aggrieved with the order of punishment of the Disciplinary Authority had preferred an appeal before the Appellate Authority and in the appeal the petitioner in “GROUND No. 3” stated as follows :

“GROUND NO. 3.

7. GRIEVOUS INFIRMITIES : - The E.O. and the D.A. both caused irreversible and irreparable grievous infirmities in their Report and the Order respectively which are discussed below : - ON DO’s REPORT

7.1. (a) E.O. recorded the Statement of Const. P. K. Saha, the Battalion Armourer on **29.7.99** but did not supply the copy of Statement of Const. Saha to me.

(b) **E.O.** Examined me by Question and Answers only on **19.7.99** and **20.7.99**, asked two Mandatory questions instead of THREE and then closed the enquiry. He did not ask me to submit by Written

Defence Bried and thus I was denied the Reasonable Opportunity to submit my Defence Version of my case.

*(c) Vide his letter No. 03 dated **27.7.99** (at 'AD'), **E.O.** Reopened the enquiry on **29.7.99** for "Further Clarification in defence examination", on the same day i.e., **29.7.99** he recorded the testimonies Const. P.K. Saha as C.W. But I was **not allowed to cross – examine Const. Saha by the E.O.** I was asked Sid Questions by the E.O. on **29.7.99**.*

*(d) Recording of testimonies of Const. Saha after closing the Enquiry, not allowing me to Cross – Exam him and my re-examination on **29.7.99** amounted to GRIEVOUS BREACH OF RULES.*

*(e) Const. Saha, as an Armourer, was a trained person only but NOT **"Professionally Qualified"** which means that one who has acquired an academic degree or diploma relevant to a Profession. But his **"OPINION"** was considered by the E.O. to prove the Charge – II against me. Const. Saha was not even an **"Expert"** like that of **A.I. (Arms Inspector)**. Hence his evidence on **29.7.99** was **"OPINION EVIDENCE"** which cannot take the place of **"Substantive Evidence"** as per law (**AIR S.C. 529**). Therefore the opinion evidence of this S.W. stands REJECTED.*

*(f) **E.O.** Specially RELIED UPON the opinion evidence of Const. Saha to prove Charge – II. Therefore his findings on this Charge also stands REJECTED."*

The Appellate Authority while deciding the appeal had considered the above mentioned ground taken by the petitioner and the Appellate Authority held that :

"g) The Enquiry Officer recorded the statement P. K. Saha (Battalion Aromourer) on 29.7.99 but he did not give the copy of the Statement and the appellant was not given the opportunity to submit his written defence statement.

It is on record that the Enquiry Officer only asked questions to the Armourer (Constable P k Saha) on 29.7.99 in presence of the appellant & at the of questions the appellant signed as a token of check and receipt of the copy. On 20.7.99 the appellant was asked by the Enquiry Officer in question number 08 and 09 to say anything more in his defence and to

produce any written statement, but the appellant declined. Therefore, the plea taken by the appellant is not tenable.

- h) The Enquiry Officer examined Constable P K Saha as (CW) but the appellant was not allowed to cross examine him.*

It is on record that Constable P K Saha (Armourer) was not a PW or CW in the instant case. The Enquiry Officer called Constable P K Saha (Armourer) only to take his opinion about arms. Therefore, allowing cross examine with Constable P K Saha by the Appellant does not arise. However the said Armourer was examined in the presence of the appellant and he signed the same as a token of check.

- i) Though Constable P K Saha is a trained Armourer but he is not professionally qualified, still his opinion was considered by the Enquiry Officer.*

Constable/Armourer P K Saha has been trained professionally by CISF and made expert on Small arms held in CISF. There is no bar to take the opinion of a trained Armourer about small arms. On the evidence available on record it was established that the appellant fired one round from his allotted SLR resulting which he got severely injured. Therefore, the plea taken by the appellant is not tenable.”

The Disciplinary Authority had passed the order of punishment and taken into consideration of the evidence of P.K. Saha (Battalion Armourer) as an expert but the petitioner had made out an specific case in appeal preferred before the Appellate Authority as the petitioner was neither served the copy of the evidence of the witness P.K. Saha nor the petitioner was allowed to cross-examine the said witness. The petitioner also stated that the petitioner was not allowed to file his written statement of defense on conclusion of evidence by the Enquiry Officer. The Appellate Authority while considering the appeal preferred by the petitioner considered the ground for not allowing the petitioner to cross-examine Shri P.K Saha and held that *“the Enquiry Officer called the constable*

Shri P.K. Saha (Armourer) only to take his opinion about arms, therefore, allowing cross examination of P.K Saha by the appellant does not arise”.

This finding of the Appellate Authority is in violation of natural justice as the Disciplinary Authority and the Appellate Authority have relied upon the evidence of P.K Saha but have not given opportunity to the petitioner to cross examine the said witness.

It is admitted case that the petitioner slipped on the kutchra road and fell down as a result a bullet went off from his service rifle and he himself sustained injury. It was not an intentional firing to kill himself or to aim any individual.

In the case reported in **(2017) 4 SCC 507 (Central Industrial Security Force & Ors. -vs- Abrar Ali)**, the Hon’ble Supreme Court held that:

“14. In State Bank of Bikaner & Jaipur v. Nemi Chand Nalwaya [State Bank of Bikaner & Jaipur v. Nemi Chand Nalwaya, (2011) 4 SCC 584 : (2011) 1 SCC (L&S) 721] , this Court held as follows : (SCC p. 587, para 7)

“7. It is now well settled that the courts will not act as an appellate court and reassess the evidence led in the domestic enquiry, nor interfere on the ground that another view is possible on the material on record. If the enquiry has been fairly and properly held and the findings are based on evidence, the question of adequacy of the evidence or the reliable nature of the evidence will not be grounds for interfering with the findings in departmental enquiries. Therefore, courts will not interfere with findings of fact recorded in departmental enquiries, except where such findings are based on no evidence or where they are clearly perverse. The test to find out perversity is to see whether a tribunal acting reasonably could have arrived at such conclusion or finding, on the material on record. The courts will however interfere with the findings in disciplinary matters, if principles of natural justice or statutory regulations have been violated or if the order is found to be arbitrary, capricious, mala fide or based on extraneous considerations. (Vide B.C. Chaturvedi v. Union of India [B.C.

Chaturvedi v. Union of India, (1995) 6 SCC 749 : 1996 SCC (L&S) 80 : (1996) 32 ATC 44] , *Union of India v. G. Ganayutham* [*Union of India v. G. Ganayutham*, (1997) 7 SCC 463 : 1997 SCC (L&S) 1806] , *Bank of India v. Degala Suryanarayana* [*Bank of India v. Degala Suryanarayana*, (1999) 5 SCC 762 : 1999 SCC (L&S) 1036] and *High Court of Judicature at Bombay v. Shashikant S. Patil* [*High Court of Judicature at Bombay v. Shashikant S. Patil*, (2000) 1 SCC 416 : 2000 SCC (L&S) 144] .)”

15. In *Union of India v. P. Gunasekaran* [*Union of India v. P. Gunasekaran*, (2015) 2 SCC 610 : (2015) 1 SCC (L&S) 554] , this Court held as follows : (SCC pp. 616-17, paras 12-13)

“12. Despite the well-settled position, it is painfully disturbing to note that the High Court has acted as an appellate authority in the disciplinary proceedings, reappreciating even the evidence before the enquiry officer. The finding on Charge I was accepted by the disciplinary authority and was also endorsed by the Central Administrative Tribunal. In disciplinary proceedings, the High Court is not and cannot act as a second court of first appeal. The High Court, in exercise of its powers under Articles 226/227 of the Constitution of India, shall not venture into reappreciation of the evidence. The High Court can only see whether:

- (a) the enquiry is held by a competent authority;
- (b) the enquiry is held according to the procedure prescribed in that behalf;
- (c) there is violation of the principles of natural justice in conducting the proceedings;
- (d) the authorities have disabled themselves from reaching a fair conclusion by some considerations extraneous to the evidence and merits of the case;
- (e) the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations;
- (f) the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion;
- (g) the disciplinary authority had erroneously failed to admit the admissible and material evidence;
- (h) the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding;
- (i) the finding of fact is based on no evidence.

13. Under Articles 226/227 of the Constitution of India, the High Court shall not:

- (i) reappreciate the evidence;

- (ii) interfere with the conclusions in the enquiry, in case the same has been conducted in accordance with law;*
- (iii) go into the adequacy of the evidence;*
- (iv) go into the reliability of the evidence;*
- (v) interfere, if there be some legal evidence on which findings can be based.*
- (vi) correct the error of fact however grave it may appear to be;*
- (vii) go into the proportionality of punishment unless it shocks its conscience.”*

The Constitution Bench, in case of ***State of Orissa & Others vs. Bidyabhushan Mohapatra*** had observed way back in 1963 that having regard to the gravity of the established misconduct, the punishing authority had the power and jurisdiction to impose punishment. The penalty was not open to review by the High Court under Article 226. A three-judge Bench in case of ***B.C. Chaturvedi vs. Union of India & Ors*** had also held that judicial review is not an appeal from a decision but a review of the manner in which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eye of the Court. When an inquiry is conducted on the charges of misconduct by a public servant, the Court or Tribunal would be concerned only to the extent of determining whether the inquiry was held by a competent officer or whether the rules of natural justice and statutory rules were complied with.

In ***Om Kumar & Others vs. Union of India*** this Court had also after considering the Wednesbury Principles and the doctrine of proportionality held that the question of quantum of punishment in disciplinary matters is primarily for the disciplinary authority, and the jurisdiction of the High Courts under Article 226 of the Constitution or of the Administrative Tribunals is limited and is confined to the applicability of one or the other of the well-known principles known as “Wednesbury Principles”¹¹ namely whether the order was contrary to law, or whether relevant factors were not considered, or whether irrelevant factors were considered or whether the decision was one which no reasonable person could have taken.

Again, a three-judge Bench in case of ***Deputy General Manager (Appellate Authority) & Ors. vs. Ajai Kumar Srivastava*** circumscribing the power of judicial review by the constitutional courts held as under :

“24. It is thus settled that the power of judicial review, of the constitutional courts, is an evaluation of the decision-making process and not the merits of the decision itself. It is to ensure fairness in treatment and not to ensure fairness of conclusion. The court/tribunal may interfere in the proceedings held against the delinquent if it is, in any manner, inconsistent with the rules of natural justice or in violation of the statutory rules prescribing the mode of enquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached or where the conclusions upon consideration of the evidence

reached by the disciplinary authority are perverse or suffer from patent error on the face of record or based on no evidence at all, a writ of certiorari could be issued. To sum up, the scope of judicial review cannot be extended to the examination of correctness or reasonableness of a decision of authority as a matter of fact.

25. xxxxxxxx

26. xxxxxxxx

27. xxxxxxxx

28. The constitutional court while exercising its jurisdiction of judicial review under [Article 226](#) or [Article 136](#) of the Constitution would not interfere with the findings of fact arrived at in the departmental enquiry proceedings except in a case of mala fides or perversity i.e. where there is no evidence to support a finding or where a finding is such that no man acting reasonably and with objectivity could have arrived at those findings and so long as there is some evidence to support the conclusion arrived at by the departmental authority, the same has to be sustained.”

In view of the above, this Court finds that the Disciplinary Authority had violated the principles of natural justice in conducting proceeding, the Disciplinary Authority had erroneously admitted inadmissible evidence which influenced the finding and the punishment imposed upon the petitioner which shocks the conscience of this Court. Accordingly, the order passed by the Disciplinary Authority dt. 20th August, 1999 and the order passed by the Appellate Authority dt. 22nd April, 2000 are set aside and quashed. The case of the petitioner is remanded to the Disciplinary Authority for consideration of the case of the petitioner a fresh without considering the evidence of Mr. P.K. Saha and in case the Disciplinary Authority intends to rely upon the evidence of P.K

Saha, the petitioner shall provide an opportunity to cross examine Shri P.K Saha.

The Disciplinary Authority is directed to complete the proceeding within a period of eight weeks from the date of receipt of this order.

WPA 414 of 2003 is thus **disposed of**.

Parties shall be entitled to act on the basis of a server copy of the Judgment and Order placed on the official website of the Court.

Urgent Xerox certified photocopies of this Judgment, if applied for, be given to the parties upon compliance of the requisite formalities.

(Krishna Rao, J.)