

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8402 of 2016

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Meera Devi W/o - Late Ramashankar Lal Srivastava, Resident of House no. - F-47, P.C. Colony, Kankarbagh, P.O. - Lohia Nagar, Patna - 20.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna
2. The Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna.
3. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, 5th Floor, Birchand Patel Path, Patna-800001
4. The Chief of Administration, Bihar State Food and Civil Supplies Corporation Ltd. Sone Bhawan, 5th Floor, Birchand Patel Path, Patna-800001.
5. The Chief-of-Claim, Headquarter, Bihar State Food and Civil Supplies Corporation Ltd. Sone Bhawan, 5th Floor, Birchand Patel Path, Patna-800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Uday Narayan Singh, Advocate Mr. Rajesh Kumar, Advocate
For the State	:	Mrs. Nutan Kumari Sharma, AC to SC-21
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
CAV JUDGMENT

Date : 19-06-2025

This Court has heard Mr. Uday Narayan Singh, learned Advocate for the petitioner and Ms. Nutan Kumari Sharma, learned Advocate for the State. The Bihar State Food and Civil Supplies Corporation Limited (hereinafter referred to as ‘the Corporation’) is represented through Mr. Shailendra Kumar Singh, learned Advocate.

2. The case in hand has shaken conscience of the



Court on noticing the irreparable sufferings on account of prolong departmental proceeding, as also the whimsical, capricious and arbitrary order leading to immense mental trauma, pain, financial crunch and finally the unfortunate death of the erstwhile employee and his son; now the petitioner, who is non-else, but the widow of the erstwhile employee has been pursuing this litigation after the death of her husband during the pendency of the writ petition on 05.09.2016, who came to be substituted in view of the order of this Court passed in interlocutory application, bearing I.A. No. 2150 of 2017.

3. The sad story begins with the joining of the husband of the petitioner on the post of Stenographer in the Corporation on 19.07.1974. While the husband of the petitioner was posted in Giridih for the period 1981 to 1985, in the meanwhile on account of charges of misappropriation, he was served with a show-cause and finally exonerated from all the charges (with minor punishment of censure) upon direction of the Chairman-cum-Managing Director of the Corporation vide Memo no. 12788 dated 18.10.1982 issued under the signature of Chief Administration (Annexure-3).

4. To the utter surprise, the husband of the petitioner was again placed under suspension vide office order



dated 30.10.1986 and a memo of charge was duly served upon him vide letter no. 3181 dated 06.05.1987 and thereby initiated another departmental proceeding against him. The charges levelled against the husband of the petitioner were specifically controverted and a detailed explanation was furnished, which reiterated in para. 5 of the writ petition. After submission of the detailed explanation, no further action was taken in the departmental proceeding; however, in the meanwhile, the husband of the petitioner was found accountable for loss to the Corporation to the tune of Rs.1,88,940.61, in the said premise, a request was made by the petitioner's husband to adjust the same from his salary, which had not been paid to him during the interregnum period. In the above mentioned premise, the Chief (Claim) of the Corporation vide its letter no. 72190 dated 09.12.2000 wrote to the incharge District Manager, SFC, Giridih that since the process of adjustment is going on, hence he was directed to inform him not to continue with the proceeding. Notwithstanding the adjustment of the amount aforementioned, the husband of the petitioner had been kept deprived from salary for so many years nor he was accorded any increment and revision of salary, though the other identically situated persons have been accorded all the financial benefits. To support the aforesaid



contention, annexure-6 Series to the writ petition have been placed on record.

5. To the utter surprise of this Court, the departmental proceeding, which came to be initiated long back in the year 1986-1987, the enquiry officer submitted his enquiry report on 19.06.2008 holding the charges to be proved, just before six months of the retirement of the petitioner's husband.

6. Based upon such enquiry report, the copy of which is placed on record as Annexure-2, the husband of the petitioner was inflicted with the punishment of censure, withholding of five increments with cumulative effect, as also directed for adjustment of Rs.1,05,507.30 with the payable amount to the petitioner to the tune of Rs.1,38,389, vide Memo No. 5561 dated 07.07.2008. The order of punishment also contain that the recovery of interest over the recoverable amount shall be made by the Claim Branch of the Corporation. This order led to calculation of the interest over the recoverable amount and accordingly the petitioner was directed to pay an amount of Rs.4,01,670.71 within a month under Memo No. 6961 dated 26.08.2008, the copy of which is marked as Annexure-9.

7. Aggrieved with the subjected order, the husband



of the petitioner preferred appeal before the Secretary, Food and Consumer Protection Department, Bihar, Patna and simultaneously approached this Court in CWJC. No. 12280 of 2009. The matter was taken up on 15.09.2009. A Bench of this Court noticed the fact that there was salary arrears payable to the petitioner to the extent of Rs.1,38,389/- by the Corporation in respect of period 1993-94; and after culmination of departmental proceeding a claim of Rs.1,05,667.20 was raised against the petitioner for the alleged loss/misappropriation of stocks with a further direction to adjust the amount with interest at the rate of 18% on the said amount up to 2007-08. The Court, in view of the fact, prima facie, observed that the Corporation would also be liable to pay interest @ 18% on the arrears of salary of the said amount of Rs.1,38,389 from the time it was due up to date. However, since the pleading was not complete, therefore, the matter was taken up on different dates and finally it came to be disposed of vide order dated 19.01.2018 with a categorical finding that “Per se the action of the Corporation cannot be approved specially when the Corporation is not paying interest to the petitioner at the same rate over his outstanding dues, but charging interest over the amount recoverable against the petitioner. If the Corporation intends to take interest



they should be ready to pay the interest in equal term. There cannot be unilateral claim of interest by the Corporation. The Court further directed that after adjustment of principal amount rest payment should be made to the petitioner, as it has been informed that even after death of the employee no retrial dues have been paid. It was made clear that if the death-cum-retiral benefits have not been accorded within two months, it will carry interest of 9%.

8. It is also noticed while appeal preferred by the erstwhile employee remain pending for a long period, a fresh Memo of appeal came to be filed, which was numbered as Appeal no. 311/2015, however, the same came to be rejected by the Appellate Authority -cum-Secretary, Food and Consumer Protection Department, Bihar, Patna, as contained in Memo no.2189 dated 04.04.2016 (Annexure-11).

9. Mr. Uday Narayan Singh, learned Advocate for the petitioner while assailing the impugned action and the order of the respondent Corporation has vehemently contended that once the husband of the petitioner has already been exonerated with the minor punishment of censure and further the amount, if any, found payable to the Corporation had already been adjusted from the salary of the petitioner's husband. Initiation of fresh



departmental proceeding and inflicting the major punishment of withholding of five increments with cumulative effect, besides recovery of Rs.1,05,507/30 with 18% interest till the order is passed, out and out wholly arbitrary, illegal and without jurisdiction.

10. Taking this Court through the enquiry report, as also the written defence of the erstwhile employee reiterated in para. no.5 of the writ petition, it is contended that none of the charges stood proved; once the recoverable amount had already been adjusted from the due salary of the petitioner's husband long back in the year 2000 itself, no due remained to levy interest over as imposed under letters dated 07.07.2008 and 26.08.2008. The enquiry report suffers from erroneous findings of fact and the disciplinary as well as appellate authority concurred the findings of the enquiry officer in a mechanical manner ignoring the facts, circumstances and explanation put forth by the charged employee. It is lastly contended that long ordeal has led the erstwhile employee to suffer loss of his son and himself on account of financial crunch. The husband of the petitioner died due to lack of money for treatment, as his leg was amputated because of developing gangrene. To support the aforesaid facts, disability certificate dated 26.01.1949



(Annexure-12) has also been placed on record.

11. On the other hand, Mr. Shailendra Kumar Singh, learned Advocate for the Corporation has submitted that the charges levelled against the petitioner's husband stood proved in the departmental proceeding, after affording proper opportunity to rebut the allegation, but he failed to do so. An amount of Rs.1,05,507 was found recoverable. Based upon the enquiry report, the petitioner's husband was inflicted with the punishment, as contained in Memo No. 5561 dated 07.07.2008 passed by the Managing Director of the Corporation. The husband of the petitioner had also been given full opportunity for production of document/evidence to support the grounds raised in the appeal. However, he failed to provide the same and thus the appeal also came to be rejected by the Appellate Authority vide Memo no. 2189 dated 04.04.2016. the petitioner's husband has failed to point out any legal infirmities in the departmental proceeding as well as appellate order, hence the orders impugned do not require any interference. He reminded while exercising the judicial review, the Court cannot re-appreciate the evidence.

12. Having given anxious consideration to the submissions advanced by the learned Advocate for the



respective parties and on meticulous perusal of the record, prima facie, this Court finds that the facts of the case is quite alarming that on account of certain proposed dereliction of duty, the erstwhile employee has been subjected to suffer his entire life and unfortunately could not be wriggled out from it even after his retirement and till he breathed his last and yet the widow of the deceased employee has been still facing the wrath of the departmental proceeding and its adverse effect.

13. Before parting with the case in hand, it would be worth benefiting to mention hereunder; The relevant extracts of the decisions rendered by the Apex Court in the case of **Dalmia Cement (Bharat) Ltd. & Anr. Vs. Union of India & Ors. (1996) 10 SCC 104** and **Delhi Administration Vs. Gurdip Singh Uban and Ors**, reported in **AIR 2000 SC 3737**, wherein the Court summarized and reminded us that the ultimate aim of the law is to secure justice. Justice is a virtue which transcends all barriers. Justice cries in silence for long, far too long, justice fails when judges quail. Though justice is depicted to be blindfolded, as popularly said, it is only a veil not to see who the party before it is while pronouncing judgment on the cause brought before it by enforcing law and administer justice and not to ignore or turn the mind/attention of the court



away from the truth of the cause or lis before it, in disregard of its duty to prevent miscarriage of justice.

14. The facts are admitted and the averments made in the writ petition has not even been confronted and any pain has been taken on the part of the Corporation to give parawise statement to the writ petition, except their contention that based upon the enquiry report the petitioner was inflicted with the subjected punishment, which was duly affirmed in appeal, no effort is taken to dispel the grounds of challenge put forth in the writ petition.

15. It is not in dispute, the husband of the petitioner was subjected to departmental enquiry long back in the year 1982 when he was exonerated from all the charges with the punishment of censure and warring to remain attentive in future vide Annexure-3 to the writ petition. Notwithstanding the facts of exoneration, as noted hereinabove, the petitioner's husband was subjected to fresh departmental proceeding, inter alia, with some additional charges in the year 1987 after placing the petitioner's husband on suspension in the year 1986. More than 20 years have consumed to give the finding of guilt against the delinquent and finally he was inflicted with the major penalty just before his superannuation. There is no explanation for this



inordinate delay.

16. Indubitably, departmental enquiry puts an employee under great mental agony, strain and stigma causing serious repercussion on his family as well. It is settled position that departmental enquiry/proceeding should be initiated without delay and once initiated should be completed expeditiously.

17. The Apex Court in the case of **State of Andhra Pradesh Vs. N. Radhakishan**, reported in, **(1998) 4 SCC 154** has held that it is not possible to lay down any pre-determined principles applicable to all cases and in all situations where there is delay in concluding the disciplinary proceedings. Hence the ground that the disciplinary proceedings are to be terminated has to be examined on the facts and circumstance of that case. It was observed that the essence of the matter is that the court has to take into consideration all relevant factors and to balance and weigh them to determine if it is in the interest of clean and honest administration that the disciplinary proceedings should be allowed to terminate after delay, particularly there is delay in abnormal and there is no explanation for the same. The Court emphasized that the delinquent employee has a right that disciplinary proceedings against him are concluded



expeditiously and he is not made to undergo mental agony and also monetary loss when these are unnecessarily prolonged without any fault on his part in delaying the proceedings. If the delay is unexplained prejudice to the delinquent employee is writ large on the face of it, which certainly vitiates the disciplinary proceeding, however, normally the disciplinary proceedings should be allowed to take its course as per relevant rules but then delay defeats justice. Delay causes prejudice to the charged officer unless it can be shown that he is to or when there is proper explanation for the delay in conducting the disciplinary proceedings. Ultimately, the court is to balance these two diverse consideration.

18. In the case of **State of Punjab & Ors. Vs. Chaman Lal Goyal**, reported in, (1995) 2 SCC 570, the Hon'ble Supreme Court held that inordinate and explained delay in the completion of departmental proceedings can vitiates the enquiry, especially when it causes prejudice to the employee after weighing the factors for and against and taking decision on the totality of circumstances, the Court emphasized the need for accountability and cautioned the authorities to avoid such delay.

19. A three Judge Bench of the Hon'ble Supreme Court in the case of **Union of India & Ors. Vs. K.K. Dhawan**,



reported in **(1993) 2 SCC 56**, recognized that accountability can be fixed on inquiry officer or the disciplinary authority, if they act, inter alia, in a biased or arbitrary manner or if there is prima facie material to show recklessness or misconduct in the discharge of his duty or acted negligently or that he omitted the prescribed conditions, which are essential for the exercise of statutory powers.

20. The emphasis on expeditious disposal of departmental proceeding is also duly recognized and admitted by the Corporation is also apparent from the Bihar State Food & Civil Supplies Corporation “Service Conduct and Disciplinary Rules”, which came into force w.e.f. June, 1st, 2001, in suppression of all the previous rules in this regard. It was made clear that the Rules shall apply to all the employees of the Corporation and any pending action initiated under previous rules shall be concluded under the said rules. The rules contemplates punishment and procedure for dealing with cases of misconduct; Rule 25 deals with “Punishment”, whereas, Rule 26 stipulates “Minor Punishment” and Rule 27 “Major Punishment”. Rule 28 talks about the “Procedure for dealing with cases of Misconduct”; in case of minor punishment the delinquent is informed regarding the alleged act of omission and



commission on his part directing therein to submit his reply within seven days. If he fails to submit his reply or found it to be unsatisfactory, the minor punishment may be inflicted without further correspondence.

21. Likewise, where an employee is found, prima facie, guilty for any misconduct, which may result in major punishment, the charges against the delinquent employee must be communicated in writing, giving him a time of 15 days to submit his reply. If the delinquent either failed to submit the reply or it is found unsatisfactory, a departmental proceeding will be drawn against him immediately, with the approval of the competent authority. However, such departmental proceeding shall be concluded within a period of three months. It is also contemplated that after the submission of enquiry report, the competent authority may accept such finding or may direct the enquiry officer to further enquire into the charges, as the case may be. The competent authority may also differ with the finding of the enquiry officer. Further any order of the competent authority, as authorized under the Rules of the Corporation for inflicting major punishment on the delinquent employee shall be passed after communicating to the employee the charges along with statement of imputation of misconduct,



misbehaviour on which they are based along with the findings of the enquiry officer in writing and major penalty, which is contemplated against the delinquent employee. A period of 15 clear days shall be given the delinquent employee to submit written defence, if any, in his defence. After expiry of 15 days, the competent authority may pass final order, which shall take effect on the date, such order is passed.

22. Admittedly, in the case in hand, though the proceeding was initiated long back in the year 1987, but after coming into force of the Service Conduct of Disciplinary Rules in the year, 2001, which was also applicable in the pending departmental proceeding, the respondent authorities failed to adhere to with the prescription prescribed in the Rules and given a complete go-bye to it, as is evident from the manner in which the Corporation proceeded and inflicted punishment. There is nothing on record which suggests that before inflicting the punishment, the delinquent was served with any show-cause notice or given an opportunity to file his written defence to rebut the findings of the enquiry officer. Hence, in the opinion of this Court, the Rules applicable to the employees of the Corporation has been completely over-looked and the entire action of the Corporation is in fact in transgression to the same.



23. The facts of the case also demonstrate that the husband of the petitioner was holding the post of Stenographer and he was all along available in the department since inception. In no stretch of imagination, the delinquent is blamed for the delay, moreover it is not the case of the Corporation that because of the act of the delinquent, the delay has occurred. Indubitably, in the interregnum period (twenty five long years) of initiation of departmental enquiry/ proceeding, till its culmination by passing of the final order of punishment, the charged employee has been deprived from any financial upgradation, including salary, increment, revision of pay and the time bound promotion that has been given to other identically situated persons. The protracted departmental proceeding depriving an employee from all his service benefits for a pretty long time is bound to cause immense prejudice; and constant strain and pain suffered by him can not be compensated.

24. It would also be pertinent to note here that soon after the initiation of 2nd departmental proceeding in the year 1987, the husband of the petitioner filed his detailed defence statement and thereafter the Corporation has not taken any action for a long time and thus it was deemed to be accepted at the level of Enquiry Officer and/or the competent authority. This



fact also fortified when after passage of more than a decade, the Corporation had come out with the letter issued under the signature of Chief (Claim) dated 09.12.2000 (Annexure-4) that the adjustment of the amount, which was found due against the delinquent is going on, on the request of the delinquent itself, hence the proceeding may be terminated. This order was also issued in pursuant to the direction of the competent authority, as is evident from the letter itself.

25. The action of the Corporation causing adjustment of the amount found due against the husband of the petitioner, however, did not quench the thirst of the Corporation and the proceeding has not been given a quietus and again after eight years when the husband of the petitioner was about to superannuate, the enquiry officer submitted the enquiry report giving finding of charges stood proved.

26. This Court has also meticulously examined the enquiry report and found that the charges said to have been proved are not based upon any admissible oral and documentary evidence. The enquiry officer has disabled himself from reaching a fair conclusion by some considerations extraneous to the evidence and merit of the case and in fact allowed himself to be influenced by extraneous consideration. The entire enquiry



suffers from various legal infirmities, coupled with the fact that the enquiry officer while performing the quasi judicial function has not acted an independent adjudicator, which was expected under the law from him.

27. The enquiry officer is not supposed to be representative of the department (disciplinary authority/ Government). His function is to examine the evidence presented by the department, even in the absence of the delinquent official to see as to whether the unrebutted evidence is sufficient to hold that the charges are proved, this Court has no hesitation to observe that in the case in hand the aforesaid procedure has not been observed. The due importance and role of the enquiry officer has been highlighted in the case of **State of U.P. & Ors Vs. Saroj Kumar Sinha**, reported in (2010) 2 SCC 772 wherein the Apex Court ruled that if a Departmental enquiry is conducted against the Government servant it cannot be treated as a casual exercise. The enquiry proceedings also cannot be conducted with a closed mind. The enquiry officer has to be wholly unbiased. The rules of natural justice are required to be observed to ensure not only that justice is done but is manifestly seen to be done.

28. The claim of the Corporation with respect to



18% interest over the due amount against the husband of the petitioner was put to challenge before this Court in C.W.J.C. No. 12280 of 2009 wherein the action of the Corporation has been completely disapproved, since the recovery of the amount to the tune of Rs.1,05,667.20, which is calculated against the amount of shortage of the food-grains, has already been adjusted and this issue has been considered in earlier round of litigation, this Court would not make any observation in this regard at least to the extent it has already been set at rest and not challenged by either of the parties.

29. So far the order of punishment to the extent, the husband of the petitioner was subjected to withholding of five increments with cumulative effect, apart from the punishment of censure is concerned, the same is now under consideration before this Court. Apart from the other infirmities, it does not stand to the test of rule of law. This Court finds that there is not at all any independent application of mind before inflicting the punishment, apart from the same is capricious, non-speaking, is based upon no reason. The impugned order of punishment is out and out based upon the enquiry report, wherein the charges have been said to be proved. This Court is tempted to quote the relevant extract of the impugned order, which reads thus:



“कार्यालय – आदेश

निगम के ज्ञापांक – 100004 दिनांक 03.08.1988 द्वारा श्री रामाशंकर लाल श्रीवास्तव, तात्कालीन आशुलिपिक, पटना (ग्रामीण) वर्तमान में सम्प्रति निजी सहायक, उपभोक्ता संरक्षण निदेशालय, बिहार, पटना के विरुद्ध गिरिडीह जिला के पदस्थापन अवधि में पायी गयी गड़बड़ी के सम्बन्ध में आरोप-पत्र प्रपत्र-‘क’ में गठित कर विभागीय कार्यवाही चलायी गयी।

विभागीय कार्यवाही में आरोपी से प्राप्त बचाव – पत्र, गवाहों के बयान, उपलब्ध साक्ष्य एवं प्रभारी जिला प्रबंधक, गिरिडीह का मंतव्य के समीक्षोपरांत एवं जाँचोपरांत श्री श्रीवास्तव के विरुद्ध लगाये गये आरोप सं० 01 से 03 तक प्रमाणित पाया गया है।

अतः श्री श्रीवास्तव के विरुद्ध चलायी जा रही विभागीय कार्यवाही को समाप्त करते हुए निम्नांकित दण्ड निर्धारित किया जाता है:-

क- श्री श्रीवास्तव के विरुद्ध चलायी जा रही विभागीय कार्यवाही उन्हें भुगतेय राशि रू० 1,38,389.00 से समायोजित किया जायगा।

ख- इन्हें निन्दन की सजा दी जाती है।

ग – श्री श्रीवास्तव का पाँच वेतन वृद्धि संचयात्मक प्रभाव से रोकी जाती है।

घ- सूद की राशि की वसूली की कार्रवाई दावा शाखा द्वारा की जायगी।

प्रबन्ध निदेशक के आदेश से।

ह०/—

प्रमुख प्रशासन।”

30. The husband of the petitioner has neither been given any show-cause notice nor opportunity to rebut the finding of the enquiry officer before inflicting the punishment and thus in any circumstances, there is no compliance of the



principles of natural justice.

31. Time without number, the Apex Court as well as this Court has reminded the Tribunal and the quasi judicial authority that the final order must display complete application of mind to the grounds mentioned in the show cause notice, the defence taken in reply, followed by at least a brief analysis of the defence supported by reasons why it was not acceptable. To hold that the cause shown can be cursorily rejected in one line by saying that it was not satisfactory or acceptable would held to vesting completely arbitrary and uncanalised powers in the authority. The giving of reasons in such a situation is an absolute imperative and a facet of natural justice. The importance of giving reasons has been emphasized and explained by the Apex Court in the case of **M/S Kranti Asso. Pvt. Ltd. & Anr. Vs. Masood Ahmed Khan & Ors.**, reported in **(2010) 9 SCC 496** wherein the Court, inter alia, held that a quasi-judicial authority must record reasons in support of its conclusions, inasmuch, as recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power. It is the reasons, which facilitate the process of judicial review by superior Courts. No reason whatsoever has been assigned before



inflicting the punishment, hence any appeal preferred against the order aforementioned was nothing but an empty formality, that has been done in the present case.

32. The appeal preferred by the delinquent, the husband of the petitioner, has been rejected without making any deliberation and the discussions of the grounds raised in the Memo of Appeal. There is manifest illegality in the impugned order passed in appeal wherein the same came to be rejected in one line that “ पारित आदेश पूर्णतः तथ्यपरक एवं विधि सम्मत है”.

33. In the considered opinion of this Court, such orders have no sanction in the eye of law. The reasons have been held to be the heart and soul of an order giving insight to the mind of the maker of the order, and that he considered all relevant aspect and discarded irrelevant aspects. Both the disciplinary as well as appellate authority conveniently without discussing the matter rejected it by simply stating that the order is in accordance with law, which at all is not in compliance with the principles of natural justice.

34. This Court is appalled to see that the departmental proceeding, which was initiated in 1987, the final order of punishment came to be passed in 2008 after more than 20 years in a most cryptic and capricious manner and later on,



the appeal came to be rejected in the year 2016 i.e. after 29 years by one line order that since the charges stood proved, the impugned order of punishment is in accordance with law.

35. Before holding the impugned orders untenable and not sustainable in the eyes of law, this Court can not lose sight of the miserable facts of the case. The delinquent was appointed in the year 1974 and since 1981 till his death on 05.09.2016 he was subjected to protracted departmental proceeding. 35 years of his golden period of life have been completely snatched away by the Corporation in the name of departmental proceeding. Nonetheless, the delinquent deceased husband had given approval for adjustment of the loss allegedly caused to the Corporation and that has already been adjusted; much less, the Chief (Claim) pursuant to the direction of the competent authority has requested to bring the departmental proceeding to an end, but the same has not been done. In the meantime, the deceased lost his son, thereafter he also died in the same way facing the financial crunch and the endless wrath of the Corporation.

36. It would be worth benefiting to state that in a landmark judgment of **P.V. Mahadevan Vs. MD., Tamil Nadu Housing Board**, reported in, **(2005) 6 SCC 636**, the Hon'ble



Supreme Court held that inordinate, unexplained, and prolonged delay in initiating or concluding departmental proceeding vitiates the proceeding and amounts to harassment rendering the entire inquiry liable to be quashed. The Court following the decision of **N. Radhakishan** (supra) and **State of M.P. Vs. Bani Singh**, reported in, **AIR 1990 SC 1308**, has observed that such delays, especially when not attributable to the delinquent employee, lead to grave prejudice, prolonged mental agony, reputational damages and economic uncertainty, thereby violating the foundational principles of natural justice. The Court further emphasized that the purpose of disciplinary proceedings is to ensure fairness and accountability, not to punish individuals through procedural abuse and endless uncertainty. The decision underscores that no benefit accrues to the public interest by allowing stale proceedings to continue after a decade of inaction and that doing so is neither just nor legally sustainable.

37. Applied to the present case, where the deceased employee suffered the brunt of an inquiry spanning more than two decades, with no fault attributed to him, no meaningful redressal or irreversible loss of livelihood, dignity and eventuality life itself; Thus in the opinion of this precedent laid



down in the case of **P.V. Mahadevan** (supra) reinforces that the inquiry and the punishment stand vitiated and held to be unsustainable and thereby violative of the fundamental right to life with dignity under Article 21 of the Constitution of India.

38. On account of the reasons aforenoted, this Court has no hesitation to set aside both the impugned orders dated 07.07.2008, as contained in Memo No. 5561 as also the order as contained in Memo No. 2198 dated 04.04.2016 holding it to be unsustainable in law. On account of setting aside of the impugned orders, the petitioner shall be entitled to all the consequential benefits at par with the benefits, which have been accorded to the other identically situated employees to her deceased husband, including the pay revision, salary, increment, time bound promotion etc. Apart from the aforesaid consequential benefits, the Corporation shall pay an amount of Rs.5,00,000/- (Five lacs) compensation to the petitioner on account of sufferings due to prolong departmental proceeding and its consequences, which in no circumstances can be compensated in terms of money, but the facts of this case warrants to pass such order. The amount of compensation shall which also include litigation cost.

39. The entire calculation and the payment must be



done preferably within a period of three months from the date of receipt/production of a copy of this order. In case of any defiance of the order, the petitioner shall be entitled to get interest @ 9% over the due amount, till the actual payment is made, which shall be recoverable from the erring officials.

40. The writ petition stands allowed.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	02.05.2025
Uploading Date	25.06.2025
Transmission Date	NA

