

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Rai Chattopadhyay

**WPA 7478 of 2018
Rounak Bandyopadhyay
Vs.
Union of India & Ors.**

With

**WPA 25707 of 2017
Rounak Bandyopadhyay
Vs.
Energy Efficiency Services Ltd. (EESL)**

For the Petitioner

: Mr. Saptarshi Roy
: Mr. Siddhartha Roy
: Ms. Kakali Das Chakraborty

For the State Respondent Nos. 2-8

: Mr. Nilanjan Sen
: Mr. Debarshi Das

Judgment on

: 22.09.2025

Rai Chattopadhyay, J. :-

1) The two above writ petitions filed by the same petitioner emanates in connection with one purported disciplinary enquiry proceeding, which has been followed by a purported order of termination of the writ petitioner from service. The first one that is **W.P.No. 25707 (w) of 2017** was filed to challenge the alleged illegality of the charge sheet issued against the petitioner. In the other one that is **W.P.No. 7478 (w) of 2018**, the petitioner has challenged the impugned order of his termination from service. Hence, both are inter-related and this common judgment effectively decides both.

2) In the selection process started with publication of the vacancy notification in May 2016, the writ petitioner had qualified and was appointed in the respondent No.2/a public sector undertaking, under

the Ministry of Power, Government of India. He was appointed to the post of Manager (Technical) pertaining to the Grade-E4. The offer of appointment was vide letter dated **July 27, 2016**, the petitioner's acceptance of offer of appointment was on **August 4, 2016** and finally the company's acceptance thereof was vide order dated **August 9, 2016**. The petitioner was appointed from the said date and he was to successfully complete one year of probation period, before he could be made permanent in the company.

3) Dispute cropped up from the following year, when allegedly unreasonably, arbitrarily and illegally he has been issued with the suspension order dated **May 22, 2017**. According to the writ petitioner the same has not only been issued in violation of the Rules applicable in his case but also of the principles of natural justice. Mr. Roy, learned advocate representing the writ petitioner, has elaborated in his argument that before issuance of the order of suspension, the petitioner has never been afforded any opportunity of hearing by issuing any 'show-cause' notice to him. Also, that the said order of suspension was issued even without conducting any preliminary enquiry.

4) Mr. Roy has further argued that the letter of suspension dated **May 22, 2017**, has been issued by the *AGM(HR)* of the company, who is neither the appropriate or the competent Authority to do the same, as per the *Schedule of Delegation of Powers* as enshrined in the *NTPC Conduct, Discipline and Appeal Rules 1977*, which is the relevant Rules governing the disciplinary matters of the respondent No.2/company. He says that as per the scheme of delegation of power, the writ petitioner could have been issued with a letter of suspension only by *Head of the Project [not bellow the rank of General Manager/Regional Executive Director/Executive Director]*. He says further that the *AGM(HR)* being bellow the rank of *GM*, is not empowered and competent to issue the suspension letter dated **May 22, 2017**.

5) The letter of suspension as above was followed by a charge-sheet dated **June 15, 2017**, issued against the petitioner by the respondent, precisely, by the *CGM(TECH)*, acting as a Disciplinary Authority. Mr. Roy has argued that the *CGM(TECH)* also being bellow the rank of *Regional Executive Director/Executive Director* of the said

company, is not a competent officer to issue any charge-sheet against the writ petitioner as per the *Schedule of Delegation of Powers*, under the *Rules of 1977*. Thus, according to the writ petitioner, initiation of the charge-sheet suffers from jurisdictional error and competency. Also, that the charges leveled against the writ petitioner were baseless and frivolous. The said Charge-sheet was allegedly bereft of any material particular and not supported by any document.

6) Further relevant fact in this case is that the petitioner's reply to the charge sheet dated **June 26, 2017** was not considered satisfactory and acceptable by the respondent Authority and the enquiry proceeding commenced on appointment of the Enquiry Officer and a Presenting Officer on **June 29, 2017**. The writ petitioner has taken part in the preliminary enquiry held on four different dates, but could not attend any further at a far off venue at Delhi, he not being provided with the Travelling and Dearness Allowances for attending the enquiry. The petitioner states that in the course of the enquiry proceeding he has been deprived of opportunity of inspection of documents which were relied on by the respondent and also has not been allowed to take any defense assistance after resignation of the person who was representing him in the enquiry, in spite of his specific prayer to that effect. Hence the writ petitioner has raised allegations of gross violation of the principles of natural justice, in the disciplinary proceeding apart from illegality in the very inception thereof. A blatant violation of the *Rules of 1977*, has been alleged during the course of the entire proceeding as mentioned above. The petitioner has stated further that at after completion of the proceedings, report of the Enquiry Officer along with his findings were placed before the Disciplinary Authority, for consideration and further action.

7) Mr. Roy learned advocate has argued that in the context of the *Rules of 1977*, punishment in the nature of removal or dismissal from service of compulsory retirement are major penalties, which can be imposed by the Appointing Authority only, that is the Managing Director or any Authority of that rank. He submits that the CGM(TECH), who is placed far below in the rank then the Managing Director, have no Authority or power under the relevant rules for imposing any major penalty on any employee under the said *Rules*.

8) Challenging the charge sheet dated **June 15, 2017**, the writ petitioner has filed **W.P.No. 25707 (w) of 2017**, seeking setting aside of the said charge sheet. However, during pendency of the same and more precisely, on the date when the respondent has served the affidavit-in-opposition in the said case, to the writ petitioner, that is on **December 8, 2017**, the order impugned in **W.P.No. 7478 (w) of 2018** was issued, directing for immediate termination of service of the writ petitioner, due to his not successfully completing the probation period. This has given rise to the later writ petition of 2018. Pertinent is to note that the order of termination of service of the writ petitioner dated **December 8, 2017** was issued even before the Disciplinary Authority could take a decision on the basis of the enquiry report submitted before it by the Enquiry Officer and after giving an opportunity of hearing to the petitioner.

9) Mr Roy learned advocate for the writ petitioner has submitted that the said purported letter of termination dated **December 8, 2017**, as was issued against the writ petitioner is only an embodiment of arbitrariness, biasness and illegality. He submits that the said letter has been issued by *Manager (HR)* who happens to be the Presiding Officer, representing the respondent/company in the disciplinary proceeding against the writ petitioner. Similar another letter was issued on the same date by the *AGM (HR)*, who was also not an authorised person issue a letter of termination in terms of the *Rules*.

10) Mr. Roy learned advocate has stated that the termination letter dated **December 8, 2017**, has imposed stigma to the writ petitioner. This was a stigmatic termination order passed during pendency of the writ petition before the Court having major adverse and cascading effect on the future career of the writ petitioner. In this regard he has stated further that the writ petitioner though being a provision in service, has been terminated after the conclusion of the enquiry proceeding and finding of his guilt. That the respondent has found the petitioner unsuitable for the post he was employed on probation. In such view of the fact, Mr. Roy has submitted that the petitioner is entitled to protection under Article 311 (2) of the Constitution of India. In this regard Mr. Roy, learned advocate has relied on a judgment of the Supreme Court in **State of Bihar vs Gopi Kishore Prasad reported at AIR 1960 SC 689**. He says that the protection under the Article

311(2) of the Constitution of India having not been provided for the petitioner he is entitled for such relief.

11) Mr. Roy has submitted further that the impugned order of termination of service, being beyond the specific three categories of major punishment as provided under the said Rules, that is of dismissal or removal from the service or compulsory retirement therefrom, the writ petitioner has been deprived of his right of departmental appeal, as per the *Rules*.

12) The other judgments cited by the writ petitioner are :

- ***Chandra Prakash Shahi vs State of Uttar Pradesh & Others* [(2000) 5 SCC 152];**
- ***Dipti Prakash Banerjee vs Satyendra Nath Bose National Centre for Basic Sciences Calcutta & Others* [(1999) 3 SCC 60].**

13) The petitioner's prayers inter alia are for quashing the enquiry proceeding, setting aside of the termination order and his reinstatement in the service.

14) Per contra, Mr. Sen appearing for the respondents has contended that the writ petitioner was issued with the suspension letter as mentioned above, due to the reason of receipt of several complaints against him of administrative misconduct, financial irregularity and abrogation of authoritarian power. The respondents have stated that in order to access the veracity of the complaints so received against the writ petitioner, two committees were formed and were asked to undertake fact finding study on allegations. The said two committees are- (i) *Internal Complaint Committee* headed by AGM (Contract) and (ii) *Internal Finance Committee* headed by the *Chief Vigilance Officer*.

15) It has been stated that, after the two committees have filed their respective reports from where strong prima facie material as to the commission of misconduct by the writ petitioner, was palpably evident. The petitioner was therefore, suspended as per *Rule 20* of the *NTPC CDA Rules*. It is submitted that all these happened during the probation period of the writ petitioner.

16) So far as the enquiry proceeding is concerned, the respondents have stated that adequate and sufficient opportunity of hearing was granted to the petitioner after he was served with the charge-sheet. Hence, any allegation of violation of principles of natural justice in case of the writ petitioner or that of biasness, has been strongly denied. According to the respondents, the charges leveled against the writ petitioner is extremely grave in nature, that is about corrupt activities and misappropriation of a sum to the tune of Rs. 11.50 crores approximately. It is submitted that this has not only caused huge financial loss for the respondent No. 2/company but it is also about misappropriation of invaluable public money. The respondents have submitted that due procedure has been adopted at the time of termination of employment of the writ petitioner, which may not require any interference of this Court at all.

17) As regards the specific allegation of incompetency of the Authority to issue the suspension and termination letters of the writ petitioner dated **May 22, 2017** and **December 8, 2017** respectively, the respondent's answer is that, the said allegation is only baseless and unfounded. It has been submitted that the *AGM (HR)* who had issued the letters of suspension and termination against the writ petitioner, was the competent Authority under the applicable *Rules* to issue and sign such letters. It is stated that in accordance to *serial No. 1* of the '*Schedule of Delegation of Powers in respect of Disciplinary Matters*', the competent Authority for signing the letters as above for employees in Grade – E3 and below under their control, would be the *Head of the Department not below the rank of AGM*. Therefore, by virtue of *serial No. 1* of the *Schedule* of the said *Rules*, the *AGM* has been empowered to affix his signature on a letter of suspension and/or termination of the petitioner who was an employee of Grade- E3 and under the control of *AGM (HR)*. In this regard, the respondent has relied on *Rule 2 (h)* of the *Rules of 1977*.

18) Mr.Sen, learned advocate for the respondents has submitted that in case of the writ petitioner, the appointing Authority is higher in rank than the terminating Authority. That being so, according to the respondents, its act of terminating service of the petitioner does not violate Article 311 of the Constitution as well as the dictum issued by the Supreme Court which has held that **“there is a compliance with the clause (1) of Article 311 if the dismissing Authority is not**

lower in rank or grade than the appointing Authority” (with reference to the judgment in **Sampuran Singh Vs State of Punjab** reported at **(1982) 3 SCC Page 200 at Para 5.**

19) The respondents have stated that the petitioner was inter alia accused of engaging in private trade and accepting deposits in cash from some of the institutions, by selling assets of the company at institutional prices, which are impermissible and barred by the said *Rules*. Article I – VI of the Inquiry Report in respect of the petitioner, bearing Memorandum No. EESL/0318/10000076-2557 dated 15/06/2017 and corrigendum dated 14/07/2017, lay down the charges against him. Private trade has been expressly barred by and under *Rule 13(1)* of the said *Rules*. Furthermore, *Rule 16(1)* of the said *Rules* bars an employee from selling or entering into any transaction of any movable or immovable property of the company, except with the prior sanction of the competent Authority.

20) Furthermore, the respondents have contended inter alia that, there has not been violation of the principles of natural justice during the disciplinary proceeding as alleged and the records substantiate the same. Also that the writ petition is premature as the alternative efficacious remedy has not been availed of by the petitioner. Allegedly, rather the instant writ petition tantamount to forum shopping by the petitioner. According to the respondent, the petitioner had not come in the Court with clean hands by duly disclosing of the material, substantial and related facts. Thus, a litigant approaching the Court with unclean hands should not be granted any remedy by the Court of equity, Mr.Sen learned advocate for the respondent has contended. On behalf of the respondent he has insisted for dismissal of both the writ petitions as above.

21) Therefore, the three moot questions which fall for consideration of this Court here in this writ petition are, firstly, whether the initiation of the disciplinary proceedings against the writ petitioner was valid and in terms of the *Rules*, being initiated by an Authority which was authorised, empowered and competent to do so; secondly, whether there was due compliance of the principles of natural justice, in conduct of the disciplinary proceedings against the writ petitioner; and lastly, whether the writ petitioner has been issued a stigmatic termination order in violation of the principles of natural justice and

also the protection as envisaged under Article 311 of the Constitution of India.

22) The time line of events is more or less like this;

- On **July 27, 2016**, an offer letter was issued to the writ petitioner, for being appointed in the post as Manager (Technical), in Grade- E4;
- On **August 4, 2016**, he has joined in service;
- He was placed on probation for one year;
- To enquire into the various complaints received against the writ petitioner, two committees were mobilised, that are, *Internal Complaint Committee* and *Internal Finance Committee*;
- On **May 22, 2017**, the writ petitioner was issued a letter of suspension by one Mr.Sudip Bhar, *AGM (HR)*.
- On **June 15, 2017**, the petitioner was issued with the 'Memorandum of Charge-sheet' by *CGM (TECH) and Disciplinary Authority*, Mr.Jaspal Singh Aujla. A Corrigendum dated **July 14, 2017** is also a part thereof.
- An undated Enquiry Report has been submitted in Court by the respondents, which shows proof of misconduct as alleged;
- On **December 8, 2017**, a letter of termination was issued to the writ petitioner by Mr.Sudip Bhar, *AGM (HR)*.
- On the same date that is, **December 8, 2017**, an office order was also issued, informing that due to non-confirmation of the probation period, the petitioner's services were terminated with immediate effect and his name was struck off from the muster roll of the company. This office order was issued by one Sri Mahesh Sharma, *Manager (HR)*, who happens to be the Presenting Officer of the company, in the disciplinary enquiry proceedings.

23) The writ petitioner has tried to manifest his grievances as regards the alleged illegality in the proceedings undertaken against him, both at the initiation and termination stages thereof. He says that the officer who has initiated disciplinary action against him by issuance of suspension letter dated **May 22, 2017**, who eventually has issued the termination letter dated **December 8, 2017**, too, was not an empowered and competent officer under the *Rules*, to do the same. In

this regard Mr.Roy, learned advocate has stated that initiation of the disciplinary proceedings against the petitioner was illegal and bad in law being in violation of the provisions under the *Rules*, in so far as in accordance with the '*Schedule of Delegation of Powers in Respect of Disciplinary Matters for employees governed under the NTPC Conduct, Discipline and Appeal Rules, 1977*', a letter of suspension can only be issued to an employee of the Grade as the petitioner, by the Head of the Project (HOP) not below the rank of General Manager (GM)/Regional Executive Director (RED)/Executive Director (ED), in Regional Hear Quarters (RHQ)/Corporate Centres (CC). he says that AGM (HR), who has actually issued the suspension letter to the petitioner, ranks in the hierarchy below the General Manager (GM)/Regional Executive Director (RED)/Executive Director (ED). Therefore, even at the time of issuance of the suspension letter, there has been gross violation as to the *Rules* applicable.

24) What one must not lose sight of, is the fact that the writ petitioner was placed on probation for one year, from the dated of his entering into the service, that is, **August 4, 2016**. What does it imply to be on probation and not being absorbed as against a substantive post? The individuals' probation status necessitates the demonstration of his competence and appropriateness for the position based on practical criteria. In accordance with the terms and conditions of appointment, the petitioner would be eligible for absorption against a substantive post after successful completion of the one year probation period, by issuance of a letter to that effect by his employer. Therefore, there would not be any automatic absorption of him in a substantive post completion of the probation period, but that would be subject to due consideration and satisfaction of his employer. Until and unless an order is issued directing completion of probation of the petitioner, his profession continues. The question therefore is, if during this period, the employee on probation, that is the petitioner in this case, we have a right to the substantive post and akin to an employee posted therein.

25) That the person on probation is working on trial basis, is eloquently described by the 3 Judges' Bench of Supreme Court in its judgment in ***Rajasthan High Court vs Ved Priya reported at (2021) 13 SCC 151***, in the following words:

"16. It is thus clear that the entire objective of probation is to provide the employer an opportunity to evaluate the probationer's performance and test his suitability for a particular post. Such an exercise is a necessary part of the process of recruitment, and must not be treated lightly. Written tests and interviews are only attempts to predict a candidate's possibility of success at a particular job. The true test of suitability is actual performance of duties which can only be applied after the candidate joins and starts working."

26) A fundamental difference is comprehensible from the said 3 Judges' Bench verdict between termination of a probationer and that of a confirmed employee. In paragraph 18 thereof the Supreme Court says:

"18. Furthermore, there is a subtle, yet fundamental, difference between termination of a probationer and that of a confirmed employee. Although it is undisputed that the State cannot act arbitrarily in either case, yet there has to be a difference in judicial approach between the two. Whereas in the case of a confirmed employee the scope of judicial interference would be more expansive given the protection under Article 311 of the Constitution or the Service Rules but such may not be true in the case of probationers who are denuded of such protection(s) while working on trial basis."

27) Article 311 protection is generally limited to permanent government employees and does not extend fully to probationers, especially during their probation period. While probationers are not absolutely devoid of protections, their rights under Article 311(2) are limited, and they are primarily subject to the terms of their appointment and applicable service rules. Judicial precedents emphasize that probationers can be dismissed during their probation even without a formal inquiry, provided the order is non-stigmatic and does not impose penal consequences. Probationers are generally considered to have no indefeasible right to continue in service until confirmation. Several Supreme Court judgments clarify that during probation the employer can terminate service even without the formal enquiry, as long as the order is non-stigmatic. In the case ***T.C.M. Pillai vs I.I.T Guindy reported at (1971) 2 SCC 251***, the Supreme Court has held that termination based solely on non-punitive grounds such as unsatisfactory performance or general unsuitability during probation generally is not protected under Article 311 of the Constitution of India. In this regard it would also be beneficial to note the findings and

recordings of the Supreme Court in the Judgment ***State of Punjab vs Jaswant Singh reported at (2023) 9 SCC 150***, which is as follows:

"18. In the same context, this Court in Pavanendra Narayan Verma v. Sanjay Gandhi PGI of Medical Sciences [Pavanendra Narayan Verma v. Sanjay Gandhi PGI of Medical Sciences, (2002) 1 SCC 520 : 2002 SCC (L&S) 170] has reiterated the same principle in the matter of termination of a probationer. It has been observed as thus : (SCC pp. 529-30, para 29)

"29. Before considering the facts of the case before us one further, seemingly intractable, area relating to the first test needs to be cleared viz. what language in a termination order would amount to a stigma? Generally speaking, when a probationer's appointment is terminated it means that the probationer is unfit for the job, whether by reason of misconduct or ineptitude, whatever the language used in the termination order may be. Although strictly speaking, the stigma is implicit in the termination, a simple termination is not stigmatic. A termination order which explicitly states what is implicit in every order of termination of a probationer's appointment, is also not stigmatic. The decisions cited by the parties and noted by us earlier, also do not hold so. In order to amount to a stigma, the order must be in a language which imputes something over and above mere unsuitability for the job."

28) Therefore, the law is thus settled that during probation, employees do not enjoy the full constitutional protections under Article 311 unless their termination is punitive, stigmatic, or based on misconduct that warrants a proper inquiry. Otherwise, their services can be lawfully terminated without following the procedures mandated for permanent employees. The law is also settled that the initiation of a disciplinary procedure against an employee on probation does not, by itself, automatically render the subsequent termination order punitive or stigmatic, especially when the reason for termination is shown as unsuitability. The key determinant is whether the termination is founded on misconduct (which would imply punishment) or on general unsuitability assessed during a probationary period. The Courts emphasize examining the substance and foundation of the order rather than its form or the mere fact that disciplinary proceedings were initiated. The core principle is that the foundation—the actual reason or basis—of the order of termination determines whether it is punitive. If the order is founded on misconduct, misconduct-related inquiry, or misconduct findings, it is punitive, and Article 311 protections are invoked and not otherwise. If

the order of termination is based on a general assessment of unsuitability, performance or conduct during probation without misconduct or finding of misconduct, it is generally considered to be non-punitive in nature.

29) It would be beneficial to discuss the law as settled by the Supreme Court in the case of ***Bishan Lal vs State of Haryana [(1978) 1 SCC 202]***. The case revolves around the issue of whether a government servant, particularly a probationer or temporary employee, is entitled to a full departmental inquiry before termination or discharge from service. The Court emphasized that the nature of the inquiry depends on whether the action is considered a punishment or a termination of service based on suitability. It was clarified that a probationer or temporary employee does not have an absolute right to continued employment, and termination in such cases may not require a full inquiry, especially if the order is innocuous and does not cast a stigma or reflect a punitive measure. The Court highlighted that the form and language of the termination order are not decisive; rather, the substance and the real nature of the proceedings determine whether it amounts to a punishment or a simple termination. The Court noted that if the proceedings are aimed solely at assessing the suitability of an employee for continued service, and no stigma or serious reflection on reputation is involved, then a less formal inquiry suffices. It was emphasized that Courts should not interfere with termination orders on technical grounds unless there is clear evidence of mala fide or serious procedural violations that cause unjust harm to the employee. The court recognized that a fuller inquiry is necessary only when the termination or reversion involves a stigma that could damage the individual's reputation or future prospects. Otherwise, the proceedings are considered adequate. The decision reaffirmed that the Courts' primary concern is whether the proceedings are substantively fair and whether the action was taken in good faith, rather than rigid adherence to procedural formalities.

30) Therefore, after discussing the settled law on the relevant issue, it is now necessary to find out the nature of termination order issued against the writ petitioner, who was an employee on probation on the date of his termination. As per the settled law, his case is very subtly different from that of a government employee, made confirmed in

service, so far as judicial approach towards each of them, is concerned. A probationer's case must be differently considered than on the anvil of the expensive scope of judicial interference, in case of a confirmed government employee, who alleges unfairness or violation of the principles of natural justice in case of a probe initiated against him or violation of the protection available to him as per provisions under Article 311 of the Constitution of India.

31) On careful perusal of the order of termination of the petitioner dated December 8, 2017 it appears that, the petitioner has been informed that the CDA Rules of the company command the officers to maintain integrity and devotion to duty, at all times. It has further been informed to the petitioner that, he has been observed to have exhibited lack of absolute integrity and devotion to duty, which is unbecoming of an officer and also in contravention of the Rules of the company. As discussed earlier, that the Courts have held that stigma is implicit in the termination. However, it is also settled that a simple termination is not stigmatic and a termination order which explicitly tells what is implicit in every order of termination of a probationer's appointment, is also not stigmatic [per **Jaswant Singh (supra)**]. What it required to be contained therein is the specific imputation of charges against the concerned employee, to actually make such order of termination as stigmatic and prejudicial to the interest of an employee on probation. So far as the termination letter of the writ petitioner is mentioned above is concerned, one can however not find specific imputation of charges, if any, against him. The Court finds that what has been deliberated in the said letter is in the nature of expression in words of the dissatisfaction of the Authority as regards the conduct of the petitioner during his probation period. Keeping in mind the settled law in this regard as discussed above, the Court is of considered opinion that the order of termination dated December 8, 2017 of the writ petitioner cannot be termed as an order involving stigma or damage to his individual reputation or future prospects.

32) Therefore, it can be stated that the proceedings undertaken before issuance of the termination letter to the writ petitioner have been aimed solely at assessing the suitability of him to be continued in service. It is found that no stigma or serious reflection on reputation of the petitioner being involved in the order of termination does not necessitate strictest compliance with rules or a straight

jacket formal enquiry, be made in his case. There has been an elaborate argument made on behalf of the writ petitioner regarding alleged infraction of NTPC CDA Rules, 1977 in conducting the disciplinary enquiry proceeding against the petitioner, particularly with reference to the alleged incompetency of the officers to issue suspension or termination orders against the petitioner. As the settled law has been understood to be, a less formal enquiry, so far as the petitioner has been granted with adequate opportunity to represent himself, would suffice in this regard. Fairness of the process and adequate and sufficient opportunity being extended to the writ petitioner would justify the order of termination of the petitioner dated December 8, 2017, which is not a punitive or stigmatic one, rather due to deficiency in service and conduct by the writ petitioner. It is found after thorough scrutiny of the materials available on record as well as from the submissions of the parties that the petitioner has appeared in the enquiry proceeding at the initial stage but did not attend the same till the end. There is no material on record in support of submission of the petitioner that his absence at the proceeding was only due to non-payment of transfer and dearness allowance by the Authority. The petitioner has also responded with his reply to the charge sheet issued against him. Therefore, the procedural aspect in an enquiry so far as assessment by the Authority regarding the suitability of the writ petitioner is concerned, which would not require compliance of the Rules in strictest of senses, appears to be just, fair and proper. Fairness in the process would eradicate any possibility of challenges being fastened against the process undertaken. The two committees have conducted ground enquiry on the basis of report of which the writ petitioner has been issued charge sheet. The writ petitioner has replied to the same and also participated in the enquiry proceeding. On the basis of the report of the enquiry officer thereafter, the Authority has terminated his service by dint of the letter dated December 8, 2017. Therefore, in the entire process, there appears no mala fide on the part of the employer concerned and also no serious procedural violation that may cause unjust harm to the writ petitioner. On the contrary, the Court is convinced that for the petitioner, who happened to be an employee on probation at the relevant period of time, adequate procedural steps have been taken by affording him sufficient opportunity and meeting the ends of fairness in the entire process. Therefore, the Court does not find any illegality or impropriety in the order of the respondent Authority dated

December 8, 2017, to terminate the petitioner's service with the respondent No. 2 company.

33) In this regard, the Court has meticulously gone through the judgments relied on by Mr. Roy on behalf of the writ petitioner. The legal proposition as propounded therein are well-settled. However, the instant case as is distinguishable on the particular facts as it is here in this case.

34) For the reasons all as discussed above, the present writ petitions No. WPA 7478 of 2018 and WPA 25707 of 2017 are dismissed.

35) Urgent certified copy of this judgment, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)