

W.P.C.T. 141 of 2024

**Union of India
VS.
Dr. Ravi Inder Singh**

Mr. Indrajeet Dasgupta,
Mr. Sukanta Chakraborty,
Ms. Anamika Pandey,
Mr. Ghanshyam Pandey

...for the Petitioner

Mr. Soumya Majumder, Sr. Adv.,
Mr. Soumalya Ganguli

...for the Respondent

1. Heard the learned counsel for the petitioner and the learned counsel for the respondent.
2. The present respondent was the applicant before the Central Administrative Tribunal ('Tribunal' for short). He has put to challenge the entire departmental proceedings from the charge memo dated 16.09.2015 till the order dated 09.01.2020 remitting the matter for enquiry by a new Enquiry Officer *de novo*. The Tribunal has quashed the order dated 09.01.2020 and remanded the matter to the Disciplinary Authority with certain directions.
3. The learned counsel for the petitioner submits that the Central Administrative Tribunal, Kolkata Bench has quashed the order dated 09.01.2020 by finding that the same is unsustainable under any provision of the All India Services (Discipline & Appeal) Rules, 1969. While remitting the matter

to the disciplinary authority, however discretion of the disciplinary authority has been limited to Rule 9(2) of the Rules. The order, therefore, is unsustainable. Once the matter is remitted to the disciplinary authority, it ought to be left open to the disciplinary authority to take steps in accordance with the Rules exercising the discretion available under the Rules. Circumscribing such discretion is unsustainable.

4. The learned senior counsel representing the applicant/respondent submits that the order has been passed since the order dated 09.01.2020 was not in accordance with law. He, however, is not in a position to dispute the submission of the learned counsel for the Union of India that on remit to the disciplinary authority his discretion is to be exercised in terms of the Rules.
5. On perusal of the order passed by the Tribunal and in view of the submissions of the learned counsel representing the parties, we deem it appropriate to clarify that upon remit to the disciplinary authority in compliance with the order passed in O.A. No. 269 of 2020, the disciplinary authority would be at liberty to proceed in accordance with the Rules. Order of the Tribunal stands modified accordingly.

6. The Writ Petition being **W.P.C.T. No. 141 of 2024** stands disposed of.
7. There shall be no order as to costs.
8. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)