

**IN THE HIGH COURT AT CALCUTTA
(CONSTITUTIONAL WRIT JURISDICTION)**

APPELLATE SIDE

Present:

The Hon'ble Justice Partha Sarathi Chatterjee

WPA 18921 of 2022

Sanjit Sahu

-Vs.-

Union of India & Ors.

For the Petitioner : Ms. Punam Basu,
Ms. Pritha Biswas,
Mr. Amritansu Sengupta.

For the Respondent UOI : Ms. Chandreyi Alam.

Heard on : 26.03.2025

Judgment on : 08.04.2025

Partha Sarathi Chatterjee, J.:-

Preface:

1. In questioning the tenability and/or legality of the final order dated 29.01.2021, issued by the Commandant, CISF Unit DTPS, Durgapur, which imposed a penalty of reduction in the petitioner's pay by one stage in the time scale of pay (from Rs. 35,300/- to Rs. 34,300/- in Level-4, with a pay range of Rs. 25,500/- to Rs. 81,100/-) for a period of two years, during which the petitioner would not be entitled to earn increments and future increments

would be postponed, and in questioning the authority of the respondents to seize the petitioner's pen camera, manipulate it, and access the petitioner's personal photos and videos, and also seeking a directive to the respondents to properly consider the petitioner's representation, the present writ petition has been filed.

Facts:

2. Before delving into the contour of controversy centered around the writ petition, it would be apt to narrate the key facts, as projected in the writ petition, which are as follows:

- a) The petitioner joined the Central Industrial Security Force (CISF) as a Constable/GD. On 1st May, 2018, he was posted to CISF Unit, DTPS, Durgapur, and was allotted accommodation at HD28C, DTPS Colony, Mayabazar, Durgapur, in July 2018. S.I. Abhishek Kumar was assigned a quarter exactly opposite to the petitioner's quarter. However, despite being senior in rank, Mr. Kumar and his family would repeatedly abuse and demean the petitioner's wife and elder son.
- b) On 4th March, 2020, the petitioner's wife and child were physically assaulted and abused with derogatory language by Mr. Kumar's wife and sister-in-law, requiring medical attention. A complaint was subsequently submitted to the Commandant on 6th March, 2020.
- c) However, instead of taking appropriate action against the perpetrator of the incident, an order *vide*. No. 1426 dated 7th March, 2020 was issued to the petitioner to shift his accommodation to

another quarter *vide*. No. A 09/97. The petitioner felt deprived of justice, which prompted him to submit another representation, which was subsequently allowed by an order dated 20th June, 2020.

- d) The petitioner did not vacate the quarter initially allotted to him, despite receiving repeated reminders. A charge sheet dated 29th August, 2020 was subsequently served upon him. A final order was passed, imposing a penalty of a fine equivalent to seven days' pay. The petitioner filed a statutory appeal, and by an order dated 18th January, 2021, the penalty was modified to a censure. The petitioner then filed a revision against the order dated 18th January, 2021, and by an order dated 25th June, 2021, the censure was set aside, and the petitioner was exonerated from the charges levelled against him.
- e) On 15th July, 2020, the petitioner was called over the phone by Respondent No. 6 to meet him at 11:30 p.m. However, the petitioner arrived at the plant company office at 12:40 a.m. but could not find Respondent No. 6 there at that time. While having a casual conversation with Respondent No. 7, the petitioner was noticed by Respondent No. 7 to have a pen in his shirt pocket. Respondent No. 7 casually asked the petitioner to hand over the pen. The petitioner then realized that his wife had mistakenly put a 'camera-pen drive-cum- pen' in his pocket instead of a regular pen. Nevertheless, the petitioner handed it over to Respondent No. 7.
- f) Although the petitioner prayed for an apology, Respondent No. 7 took the pen to Respondent No. 6, and it has remained in their

custody to date. Subsequently, a video was recorded by Respondent No. 9 in the presence of Respondents No. 6 and 7, and the petitioner was placed under suspension pending a disciplinary proceeding. On 19th August, 2020, a charge sheet was served upon the petitioner, to which the petitioner submitted his reply on 2nd September, 2020.

- g) S.I./Exe. D.P. Rana, CISF Unit DTPS A was appointed as presenting officer and Insp/Fine A. Rahaman was appointed as Enquiry Officer (in short, EO). The written brief, as submitted by the presenting officer was provided to the petitioner to which the petitioner submitted his response on 28.11.2020. Upon concluding the enquiry proceeding, a final order dated 29.01.2021 was issued imposing a penalty of reduction in the petitioner's pay by one stage in the time scale of pay (from Rs. 35,300/- to Rs. 34,300/- in Level-4, with a pay range of Rs. 25,500/- to Rs. 81,100/-) for a period of two years, during which the petitioner would not be entitled to earn increments and future increments would be postponed.
- h) The petitioner preferred a statutory appeal on 22.02.2021. However, by an order dated 19.07.2021, the appeal was rejected. The petitioner preferred a revision, which was also dismissed by an order dated 13.04.2022.

Case of the petitioner:

- 3. The specific case presented in the writ petition is that the entire inquiry proceedings were conducted in violation of due process, without the application of a judicious mind, and that the final order was passed in contravention of the CISF Rules, 1969. It was further claimed that the

respondent authorities violated the principles of natural justice by failing to consider the petitioner's repeated representations. Additionally, it was asserted that the punishment imposed on the petitioner was disproportionate to the gravity of the alleged misconduct. The petitioner further alleged that the respondents acted arbitrarily, whimsically, with an oblique motive, and in a colourable exercise of power and decision of the Disciplinary Authority (in short, DA) is perverse. Although a specific ground was raised that the orders of both the Appellate Authority (AA) and the Competent Authority in dealing with the revision were unjust, biased, unfair, and legally flawed, these orders have not been challenged, nor has any prayer been made for their cancellation and/or setting aside.

4. Upon arriving at a conclusion that the issues raised in the writ petition need to be decided after exchange of affidavits, a coordinate Bench of this Court invited affidavit-in-opposition to the writ petition from the respondents with a liberty granted to the petitioner to file his response to such affidavit.

Case of the respondents:

5. In their affidavit, the respondents stated that the charge memorandum was served to the petitioner along with a list of documents. Upon the petitioner's request, an English version of the charge memorandum was provided to him to enable him to submit his response thereto. The petitioner did submit his reply to the charge memorandum. The respondents further asserted that the inquiry was conducted in accordance with the procedures outlined in Rule 36 of the CSIF Rules, 2001, ensuring that the petitioner was given all reasonable opportunities to defend himself. The evidence was recorded in the presence of petitioner, and he was given the opportunity to cross-examine all prosecution

and court witnesses, which he utilized. Copies of the depositions of all witnesses were also provided to the petitioner. Once the recording of Management evidence was complete, the petitioner's statement was also recorded.

6. After carefully reviewing the evidence on record, the petitioner's written defense statement, and his response to the presenting officer's brief note, the EO submitted his report on 9.12.2020. This report was supplied to the petitioner, who provided his response to the findings. Following a thorough examination of all materials, the DA concurred with the EO's findings and issued a final order of punishment, which was commensurate with gravity of his misconduct. The petitioner filed an appeal against the final punishment order, but it was subsequently rejected. The petitioner also submitted a revision, which was found to lack merit and was therefore rejected as well.
7. It was further stated therein that a dispute between the petitioner's family and Mr. Kumar's family occurred on 4.3.2020. As the CISF is a disciplined force where discipline is paramount, it could not ignore the incident and had to intervene. Both families were instructed to relocate their accommodations. Mr. Kumar complied with the order, but the petitioner refused. Since Mr. Kumar had already been transferred to another unit at IGI Airport, New Delhi, he was not involved in the incident. Despite several reminders, the petitioner did not comply with the order and relocate his accommodation.
8. The petitioner requested a personal interview, and accordingly, he was directed to meet respondent no. 6 on 15.07.2020. During the counselling session held in the chamber of the Coy Commandant/plant, respondent no. 7 noticed a suspicious pen in the left pocket of the petitioner's uniform. Upon

examination, the pen was found to have a small lens attached. When questioned about the pen, the petitioner initially deceitfully claimed it was a pen drive. However, upon further inspection, it was discovered to be a 'Spy Pen Camera' with an inbuilt small camera lens and a memory card. The pen was subsequently seized. The petitioner was placed under suspension and subsequently, the disciplinary proceeding was initiated.

Arguments:

9. Ms. Bose, learned advocate representing the petitioner, contended that immediately, after it was detected the respondent nos. 6 and 7 were informed that the same was unintentionally put in his pocket by his wife instead of a regular pen but they did not pay any heed to petitioner's contention. She argued that the petitioner's wife in her evidence recorded during enquiry proceeding corroborated such statement. However, with a pre-conceived mind, the petitioner was punished.
10. She further argued that though the petitioner carried 'Pen Camera' in his pocket, he never used the same and according to her, as mere carrying a 'Pen Camera' is not a misconduct, in the present case, no misconduct was at all committed by the petitioner. She contended that such act can at best be claimed to be negligence. In her view, mere negligence cannot be misconduct.
11. She cited the decision, reported at (1984) 3 SCC 316 (*A.L. Kalra vs. Project and Equipment Corporation of India Ltd.*) to argue that an act of misconduct must be explicitly defined in the applicable rules. Referring to the decision, reported at (1994) 2 Cal LJ 193 (*Dy. Inspector General, CISF, EZ, Govt. of India & Ors. vs. Shib Kumar Roy*) and (1992) 4 SCC 54 (*State of Punjab & Ors. vs. Ram Singh Ex-Constable*), she argued that misconduct must stem

from ill intent, and negligence or an innocent mistake cannot be considered misconduct. She contended that such an act should not be regarded as conduct unbecoming of a public servant. Relying on the decision reported at *2024 SCC OnLine Cal 7961 (Subal Makhal vs. Indian Red Cross Society & Ors.)*, she argued that the punishment imposed on the petitioner was disproportionate to the alleged misconduct.

12. *Per contra*, Mrs. Alam, learned counsel representing the respondents, argued that a 'Spy Pen Camera' was discovered in the pocket of the petitioner's official uniform. The petitioner initially attempted to mislead respondents no. 6 and 7 by claiming that it was a 'pen drive.' However, when it was identified as a 'Spy Pen Camera,' the petitioner then took the plea that his wife had mistakenly placed it in his pocket instead of a regular pen. Mrs. Alam further highlighted that the 'Spy Pen Camera' was equipped with a small inbuilt lens and a memory card.
13. She argued that the petitioner's actions were an attempt to capture certain moments and conversations with a wrongful intent. She emphasized that such behaviour and/or conduct is not expected from a disciplined force. She asserted that such act constitutes a misconduct. She argued that the authorities had taken a lenient view and imposed a minor penalty. She claimed that there is no ground for interference in this writ petition.

Analysis:

14. The scope of judicial review is based on the grounds such as illegality, irrationality (Wednesbury unreasonableness), and procedural impropriety. The principle of reasonableness gives the way to the doctrine of proportionality. The purpose of judicial review of administrative actions is to

prevent arbitrariness, irrationality, unreasonableness, bias, and mala fides. While the scope of judicial review is generally limited to examining the decision-making process, if a decision is found to be perverse, irrational, or grossly disproportionate, it falls within the domain of judicial review.

15. In disciplinary proceedings also, the scope of judicial review is generally limited to examining the decision-making process. The authority to punish an employee lies within the employer's domain, and courts typically refrain from intervening unless it is established that the enquiry proceedings have been tainted due to the failure to adhere to established rules or principles of natural justice. This includes the denial of a reasonable opportunity for the employee to defend themselves, or where the punishment is found to be disproportionate to the proven misconduct.
16. In the present case, the petitioner has failed to demonstrate any illegality or irregularity in the decision-making process. Therefore, the issues before the Court are to determine whether the possession of a 'Spy Pen Camera' by an employee while in official uniform constitutes misconduct and whether the punishment imposed on the petitioner is disproportionate to the proven misconduct.
17. The charge sheet that was served upon the petitioner contained two articles of charge, which are as follows:
 - a) "That, CISF No. 062308690 CT/GD Sanjit Sahu (Under/Suspension) of CISF Unit DTPS Durgapur was called for counselling by Company Commander/Plant for implementation of order regarding change of Govt. accommodation. On dated 15.07.2020 at about 12.45 Hrs., the force member reached at Coy

Commander's office in uniform before deployment for 'B' shift duty. When the conversation started with him by Insp/Exe Adinath Pramani, Coy. Commander/Plant and SI/Exe Ashutosh Kumar Singh (Plant Coy 2/IC), they saw a pen-like device in the left pocket of the shirt of the uniform of CT/GD Sanjit Sahu (Under Suspension). While they asked about then Sanjit Sahu (U/S) told that this is pen drive which has kept in his pocket by mistake, but when the same device was checked a camera and memory card was found in it and it was concluded that this is a 'spy pen camera'. CT/GD Sanjit Sahu (Under Suspension) brought the said "spy pen camera" wilfully with wrong intention during the counselling so that he could use the recording distortedly according to his convenience. Thus, being a disciplined member of the force, such act committed by CT/GD Sanjit Sahu (Under/Suspension) shows gross indiscipline, misconduct and malice towards the superiors officers. Hence, the charge.

- b) That, CISF No. 062308690 CT/GD Sanjit Sahu (Under/Suspension) of CISF Unit DTPS Durgapur was called on 15.07.2020 by Company Commander/Plant for counselling. The said force member was detailed for "B" shift duty on 15.07.2020 for 1300 hrs to 2100 hrs. The said force member reached at Coy Commander's Office in uniform on 15.07.2020 at 1245 hrs before "B" shift duty. When the conversation started with him by Insp/Exe Adinath Pramanik, Coy. Commandant/Plant and SI/Exe Ashutosh Kumar Singh (Plant Coy 2/IC), they noticed a pen-like device in the

left pocket of the shirt uniform of CT/GD Sanjit Sahu (Under Suspension). While they asked about that, then Sanjit Sahu (U/S) told that this is pen drive, which has kept in his pocket by mistake, but when the said device was checked a camera and memory card was found in it and it was concluded that this is a 'spy pen camera'. For appearing in "B" shift duty along with "pen spy camera" and saying it pen drive when noticed, shows his doubtful integrity. Thus, being a disciplined member of the force, such act committed by CT/GD Sanjit Sahu (U/S) shows gross indiscipline and misconduct. Hence, the charge"

18. Undoubtedly, the terms 'misconduct' and 'misbehaviour' are referred to in Rule 36 of the CISF Rules, 2001. In the present case, the first Article of Charge was framed against the petitioner for his alleged gross indiscipline, misconduct, and malice towards superior officers, while the second Article of Charge was brought for his alleged gross indiscipline and misconduct.
19. Ms. Basu contended that the petitioner's wife had mistakenly placed the item in the pocket of the petitioner's official uniform, and she argued that negligence does not amount to misconduct.
20. In the case of *State of Punjab & Ors. vs. Ram Singh Ex-Constable (supra)*, a three-judge Bench of the Hon'ble Supreme Court, while defining the term 'misconduct,' made the following observation:

"Thus it could be seen that the word 'misconduct' though not capable of precise definition, its reflection receive its connotation from the context, the delinquency in its performance and its effect on the

discipline and the nature of the duty. It may involve moral turpitude, it must be improper or wrong behaviour; unlawful behaviour, wilful in character; forbidden act, a transgression or established and definite rule of action or code of conduct but not mere error of judgment, carelessness or negligence in performance of the duty; the act complained of bears forbidden quality or character. Its ambit has to be construed with reference to the subject-matter and the context wherein the term occurs, regard being had to the scope of the statute and the public purpose it seeks to serve. The police service is a disciplined service and it requires to maintain strict discipline. Laxity in this behalf erodes discipline in the service causing serious effect in the maintenance of law and order.”

21. In the decision of *Dy. Inspector General, CISF, EZ, Govt. of India & Ors. vs. Shib Kumar Roy (supra)*, the Hon'ble Division Bench quoted the definition of the word 'misconduct' from Stroud's Judicial Dictionary, which states that 'Misconduct' means, misconduct arising from ill motive: act or negligence, errors of judgment or innocent mistake, do not, constitute such misconduct. The Hon'ble Bench observed that negligence in performance of duty of lapse in performance of duty or error of judgment would not constitute unless there was some ill-motive behind it.
22. In the decision of *A.L. Karla (supra)*, it was held that what in a given context would constitute conduct unbecoming of a public servant to be treated as misconduct would expose a grey area not amenable to objective evaluation. Where misconduct when proved entails penal consequences, it is obligatory on the employer to specify and if necessary, define it with

precision and accuracy so that any *ex post facto* interpretation of some incident may not be camouflaged as misconduct.

23. Therefore, there can be no dispute in accepting the proposition that the term 'misconduct' is incapable of precise definition. Terms like 'misconduct' or 'misbehaviour' cannot be exhaustively defined, and it is not possible to compile a comprehensive list of actions or enumerate the specific actions in any Service Rule that would constitute misconduct or misbehaviour. It may involve moral turpitude, improper or wrongful behaviour, unlawful conduct, wilful actions, forbidden acts, or a transgression of an established and definite rule of conduct or code of behaviour. 'Negligence' can be defined as the omission of an act that should have been done or the commission of an act that should not have been done in a given circumstance. However, negligence with ill motive would constitute 'misconduct' or 'misbehaviour'.
24. If an employee is directed by a superior officer in connection with any official matter to attend a meeting at a specified place and time, it is the employee's mandatory duty to comply with the given instruction. Additionally, if a dress code is enforced within the establishment, the employee is required to appear before the superior officer in the appropriate attire or uniform. For a disciplined force, adhering to such requirements is essential.
25. The petitioner, a disciplined force was allocated an official accommodation and any dispute if arises which disturbs the peace, tranquillity and congenial atmosphere, the same must come within the purview of matter relating to the discipline of the force. The petitioner was

called in the chamber of his superior officer for counselling in connection with the dispute cropped up between his family and a family of another member of the force. Therefore, in no way, the meeting was a casual meeting rather official.

26. For the sake of argument, if it is assumed that the petitioner's wife mistakenly placed the 'spy pen camera' in the pocket of his official uniform, his conduct and initial response upon its detection reveal an ill motive. Initially, he attempted to defend his possession of the item by claiming it was a pen drive. However, when it was detected to be a 'spy pen camera', he changed his stance and asserted that his wife had mistakenly placed it in his pocket. Ill motive or malice is often concealed in the mind of the perpetrator and is revealed through his conduct. Such ill motive or malice can be inferred from the actions of the individual. In this case, it was his conscious possession of the item that indicates his ill intent.
27. Ms. Bose argued that since the 'spy pen camera' was not used, no misconduct had occurred. However, mere possession of certain articles can, in itself, constitute an offence. For instance, possession of arms capable of committing an offence, such as murder or grievous harm, is itself an offence. Similarly, a 'spy pen camera,' which is capable of recording moments or conversations between a superior officer and a subordinate, when found in the possession of the subordinate employee, suggests a lack of respect for the superior and indicates malice towards his superiors. Moreover, capturing such moments or conversations can violate official secrecy and such item may be used as a surveillance device, as claimed by the PW-2 in his deposition and rightly observed by the EO in his report.

28. It is important to note that PW-1, during his re-examination, testified that there was a rule in the department requiring employees to declare in the shift duty register if they were carrying less than 50 rupees and whether they were carrying a mobile phone with a camera. PW-2, in his deposition, stated that various instructions had been issued by the competent authorities to the members of the force, prohibiting them from carrying mobile phones, newspapers, and reading materials. The evidence had not been shaken in cross-examination. In a disciplined service, maintaining strict discipline is vital. Therefore, after considering the factors outlined in the preceding paragraphs, my judicial conscience compels me to conclude that such an act undoubtedly constitutes misconduct and misbehaviour. Even if the 'spy pen camera' was negligently placed in the pocket of the petitioner's official uniform, the negligence was driven by ill motive.
29. The next issue that will need to be addressed is whether the punishment imposed upon the petitioner is disproportionate to the proven misconduct. The imposition of punishment in disciplinary proceedings falls within the domain of the employer, and such power is ordinarily not subject to judicial intervention. However, a limited scope for judicial review is permissible, and courts can intervene if the punishment is shockingly disproportionate, outrageous, or irrational, thereby suggesting a lack of good faith in the decision-making process. The doctrine of proportionality comes into play when, after a careful analysis of the material presented before it, the Court concludes that the punishment imposed by the Disciplinary Authority or the Appellate Authority is so extreme or unjust that it shocks the conscience of the court.

30. Rule 34 of the CISF Rules, 2001, which requires that such major penalties be imposed for good and sufficient reasons, prescribes two major penalties related to pay reduction:

- i) **Reduction to a lower time scale of pay, grade, post, or service**, which generally bars promotion to the time scale of pay, grade, post or service from which he was reduced with or without further directions regarding conditions for restoration, seniority, and pay upon such restoration (Sub-rule iv).
- ii) **Reduction to a lower stage in the time scale of pay for a specified period**, with directions on whether increments will be earned during this period, and whether the reduction will affect future increments (Sub-rule v).

31. As mentioned earlier, in the present case, the DA by his order dated 29.01.2021 imposed punishment of reduction of pay by one stage in time scale of pay Rs. 25500/- to 81100/- in level-4 from Rs. 35300 to Rs. 34300/- for a period of two years with further direction that he will not earn increments of pay during the period of reduction and the reduction will have the effect of postponing his future increments of pay. Additionally, the period of suspension starting from 15.07.2020 to 28.01.2021 would be treated as 'not on duty'.

32. Undeniably, no reasons have been provided to explain why the DA imposed this particular punishment. In this case, since the misconduct has been proved, the petitioner must face a punishment. If he is allowed to go unpunished, the same shall send a wrong message to the force. I cannot be oblivious that the petitioner is a member of a disciplined force where

maintaining discipline is crucial. The petitioner must understand that the interests of the force will always take precedence over his personal interests.

33. The core issue now is what would be appropriate quantum of punishment. In our legal system, various theories of punishment are applied, such as retributive, deterrent, preventive, and reformatory theories etc. The deterrent and preventive theories primarily aim to prevent the offender from committing the same misconduct again, while also creating fear among others to deter similar behaviour. However, in most cases today, the reformatory theory is applied. This theory is rooted in the principle of "hate the sin, not the sinner," acknowledging that reformation is possible and should be a key consideration in determining the punishment.
34. In this case, the DA opted not to impose the punishments of removal or dismissal from service which suggests that the DA deemed that retaining the petitioner in the force would not be detrimental. As observed earlier, no reason has been assigned to choose this particular punishment. In the decisions of Subal Makhal (*supra*), it was held that measure, magnitude and degree of misconduct need to be taken into consideration for weighing the proportion. The aggravating and mitigating factors needed to be taken into account. Mr. Kumar had been transferred to another Unit. There is no allegation that the petitioner was involved in similar incident with any other employee or he has done anything prejudicial to the interest of the force.
35. The misconduct appears to stem from a personal dispute between the petitioner and the family of another force member and due to a mistaken belief that his superiors were taking the side of Mr. Kumar and his family. There is no evidence to suggest that the petitioner had any intention to

capture confidential audio or video, or to use or transfer such data in a manner that would jeopardize the safety of the force or harm its interests.

36. It is important to send a message to the rest of the force. However, applying a retributive theory of punishment would be overly harsh in this context. It would be iniquitous to force the petitioner suffer for his entire life. Therefore, I am of the view that reduction of pay having effect of postponing the petitioner's future increments of pay and the punishment that the period of suspension starting from 15.07.2020 to 28.01.2020 disentitling him to any pay and allowances for that period is harsh. However, the petitioner's punishment of reduction of pay by one stage in time scale of pay for a period of two years with further condition that he will not earn increments of pay during the period of reduction can be maintained.
37. The petitioner did not seek annulment of the orders of the AA or the Competent Authority dealing with his revision. However, a writ court has the power to mould the reliefs and exercise equitable discretion. Therefore, based on discussions made in the preceding paragraphs, I am of the considered opinion that in the given case, justice would be served if the final order of punishment is modified. Such modification shall consequentially effect of modification of the portion of the orders of AA and the Competent Authority dealing with the revision where the issue of punishment was addressed.
38. Accordingly, I am of the view that the petitioner's punishment of reduction in pay by one stage in time scale of pay Rs. 25500/- to 81100/- in level-4 from Rs. 35300/- to 34300/- for two years, with the condition of no increments during this period, should be upheld. However, the portion of the punishment that the reduction will have the effect of postponing his future increments and

the part of punishment related to the suspension period starting from 15.07.2020 to 28.01.2020, declaring that this period would be treated as 'not on duty' and disqualifying him from pay and allowances, should be set aside. It is ordered accordingly. The respondents are directed to impose punishment upon the petitioner in compliance with this order. The other portion of the orders of the DA, AA and Competent Authority are upheld.

39. With these observations and order, this writ petition is, thus, disposed of. There shall be no order as to the costs.

(Partha Sarathi Chatterjee, J.)