

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12490 of 2016

Dr. Manoj Kumar Singh son of late Sachidanad Singh resident of Jamaui
Police Station Jamaui District Jamaui

... .. Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary, Department of Health, Medical Education and Family Welfare, Government of Bihar
3. Joint Secretary Department of Health Medical Education and Family Welfare Government of Bihar Patna
4. The Director in Chief Health Services, Govt. of Bihar, Patna.
5. Deputy Secretary Department, of Health , Medical Education and Family Welfare, Government of Bihar
6. Deputy Director Health Services Bihar Patna
7. Regional Deputy Director Health, Services Munger Division Munger
8. Civil Surgeon-cum-Chief Medical Officer, Jamaui

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Shekhar Singh, Senior Advocate Mr. Satyendra Rai, Advocate Ms. Shambhavi Singh, Advocate Mr. Hari Om, Advocate
For the State	:	Mr. Sitaram Yadav, G.P.16 Mr. Yatindra Narayan, A.C. to G.P.16

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL JUDGMENT
Date : 06-07-2026

Heard the learned counsel for the parties.

2. The present writ petition has been filed for the following reliefs:

“i For issuance of an order,
direction or writ including writ in the nature
of Certiorari quashing the resolution
contained in memo no 167 (9) dated
27.02.2015 whereby and where under



Petitioner has been dismissed from service and it has been further ordered that only subsistence allowance would be paid to the Petitioner for the period of suspension.

ii. For issuance of an order, direction or writ including writ in the nature of mandamus commanding the respondents not to give effect to the resolution contained in memo no 167 (9) dated 27. 02. 2015.

iii. For issuance of an order, direction or writ including writ in the Mandamus commanding the respondents to exonerate the Petitioner from the charges as the charges were not proved in the departmental proceeding.

iv. For issuance of an order, direction or writ including writ in the nature of Mandamus commanding the Respondents to reinstate the Petitioner in service with full back wages and allow him to discharge his duties without being disturbed.

v. For issuance of an order, direction or writ including writ in the nature of Mandamus commanding the respondents to make payment of the subsistence allowance with interest forth with and make payment of the back wages immediately after reinstatement of the Petitioner.

vi. For any other relief(s) to which the Petitioner may be found entitled in the facts and circumstances of the present case.”

FACTS OF THE CASE

3. The brief facts, which are necessary for



adjudication of the present case, are that while the petitioner was working as Medical Officer, Sub-Divisional Hospital, Jamui, vide resolution contained in Memo No.138 (18) dated 28.01.1997, a decision was taken to initiate departmental proceeding against the petitioner for certain allegations levelled against him. The enquiry officer as well as the presenting officer were also appointed. Memo of charge was issued to the petitioner wherein two charges were levelled against him. Subsequently, the petitioner was put under suspension vide Memo No. 544(18) dated 29.03.1997 for defying the orders of the government for not joining his transferred place of posting, in terms of transfer order dated 13.12.1993. Certain allegations were levelled against him by the said suspension order dated 29.03.1997. The petitioner submitted an application on 29.08.1997 to the effect that the suspension letter dated 29.03.1997 was not provided to him and he did not receive any letter from the department with regard to his transfer. On the same day, the petitioner also submitted an application that the memo of charge has not been provided to him. It is the case of the petitioner that subsequently he was provided with the memo of charge and thereafter he submitted his explanation to the charges levelled against him, whereby he denied all the charges



levelled against him and requested the enquiry officer to exonerate him from the said charges. It is further case of the petitioner that vide Memo No.555 dated 17.06.2011, while setting aside the earlier decision of issuance of memo of charge and initiation of departmental proceeding, fresh decision was taken to initiate departmental proceeding against the petitioner in terms of Rule 17 of the Bihar C.C.A. Rules, 2005 and the enquiry officer as well as the presenting officer were appointed. Fresh memo of charge was issued on 17.06.2011. Due to retirement of the enquiry officer, vide Memo No.681 dated 19.06.2013, again an enquiry officer was appointed. The enquiry officer, after conducting enquiry, submitted his enquiry report before the disciplinary authority on 31.07.2013, whereby he found charges levelled against the petitioner to be proved, except charge no.2(ii). Immediately thereafter, vide letter contained in Memo No.1237 dated 20.09.2013, the petitioner was issued second show-cause notice. The petitioner gave his reply to the said second show-cause notice before the disciplinary authority on 10.10.2013, whereby he again denied all the charges levelled against him and requested the disciplinary authority to exonerate him from the charges levelled against him. The petitioner in his defence also annexed Memo No.456 dated 30.06.1994 issued



under the signature of the District Magistrate, Jamui, whereby he requested the Commissioner-cum-Secretary, Department of Health, Government of Bihar, Patna to post another doctor in place of the petitioner and it was further informed that till such alternative arrangements are not made, the petitioner has been directed not to be relieved from the hospital i.e. Sub-Divisional Hospital, Jamui. It is further case of the petitioner that one of the charges against him was of assaulting the peon of the department, while he came for certain verification, for which a First Information Report was lodged, however the petitioner was acquitted of the charges levelled against him by the Judicial Magistrate, 1st Class, Jamui vide his judgment dated 30.01.1999 passed in G.R. Case No.54 of 1995 (T.R. Case No.65 of 1999). It is the case of the petitioner that the disciplinary authority, without considering the reply submitted by the petitioner to the second show-cause, proceeded to award punishment of dismissal from service against the petitioner vide Memo No.167(9) dated 27.02.2015 and further directed that for the period under suspension, the petitioner will not receive anything, apart from the subsistence allowance. The petitioner preferred an appeal before the competent authority, however the appeal preferred by the petitioner was rejected vide Memo No.462 dated 27.04.2016



by holding it to be not maintainable and it was further mentioned that review is maintainable against the order of punishment. It is further case of the petitioner that although he was kept under suspension from 1997 till 2015 i.e. till the date of his dismissal, however, not a single farthing was paid to him towards subsistence allowance. He submits that vide Memo No.1301 dated 19.06.2015, the bills for payment of subsistence allowance were sent to the tune of Rs.18,80,326/-, however, no payment has been made to the petitioner towards his subsistence allowance.

SUBMISSIONS ON BEHALF OF THE PETITIONER

4. The learned Senior Counsel for the petitioner submits that from a bare perusal of the memo of charge, it would transpire that the charges levelled against the petitioner are vague. No list of witnesses were provided to the petitioner, on which the department intended to rely during course of enquiry. He further submits that the enquiry officer did not consider the materials brought by the petitioner in his favour and instead, shifted the burden upon the petitioner to prove his innocence, proceeded to hold the petitioner guilty of the charges, which were levelled against him. He further submits that although as per Rule 96 of the Bihar Service Code, the petitioner was entitled



for payment of subsistence allowance, for the period under suspension, however the same was never paid to the petitioner and finally by the impugned order dated 27.02.2015, the petitioner has been terminated from service.

5. The learned Senior Counsel for the petitioner further submits that although the petitioner was transferred from Sub-Divisional Hospital, Jamui, but the said order of transfer was not made effective inasmuch as that the District Magistrate, Jamui directed the Superintendent of the Sadar Hospital at Jamui, not to relieve the petitioner, therefore, the petitioner was not relieved to join his transferred place of posting. He submits that even the disciplinary authority, while awarding the punishment of dismissal from service, did not take into account the reply to the second show-cause notice, filed on behalf of the petitioner and only in a mechanical manner proceeded to reject the reply submitted by the petitioner and awarded the punishment of dismissal from service and for payment of only subsistence allowance for the period, during which the petitioner was kept under suspension. The learned Senior Counsel for the petitioner further submits that in terms of Rule 18(1) of the Bihar C.C.A. Rules, 2005, the department was competent to make further enquiry, however there is no provision in the Rules to



initiate fresh departmental proceeding or to conduct a de novo enquiry for modified charges, as has been done by the department in the present case.

6. The learned Senior Counsel for the petitioner in support of his contentions, refers to and relies upon a judgment of this Hon'ble Court reported in **2005 (3) PLJR 142 (Sri Jai Prakash Narayan v/s The State of Bihar & Ors.)**, wherein a Co-ordinate Bench of this Court in paragraph no.8 has held as follows:

“8. The aforesaid reasoning of this Court with regard to the enquiry report would find support from the judgment of the Supreme Court reported in AIR 1985 SC 1121 (**Anil Kumar vs. Presiding Officer & Ors.**). Dealing with the order of punishment for reasons of non-application of mind in the enquiry report their Lordships were pleased to hold in para 5 of the judgment that a disciplinary enquiry is a *quasi* judicial enquiry to be held in consonance with the principles of natural justice. The Enquiry Officer has to apply his mind to the evidence, discuss the evidence and not record his *ipse dixit* that the charges are proved. The enquiry report must permit a peep into the mind of the Enquiry Officer and that he considered the *pros* and *cons* of the matter before arriving at a conclusion. The report has to be an speaking order in the sense that the conclusion must be supported by reasons. This would be the view reiterated in 2002(7) SCC 142 (**Sher Bahadur vs. Union of India & Ors.**). The mere recital of the rhetoric words that he had



considered the oral, documentary and circumstantial evidence as adduced in the enquiry would not suffice to uphold the same.”

7. The learned Senior Counsel for the petitioner further refers to and relies upon a judgment of the Hon’ble Supreme Court of India reported in **(2009) 2 SCC 570 (Roop Singh Negi v/s Punjab National Bank)**, wherein in paragraph no.14, it has been held as follows:

“14. Indisputably, a departmental proceeding is a quasi-judicial proceeding. The enquiry officer performs a quasi-judicial function. The charges levelled against the delinquent officer must be found to have been proved. The enquiry officer has a duty to arrive at a finding upon taking into consideration the materials brought on record by the parties. The purported evidence collected during investigation by the investigating officer against all the accused by itself could not be treated to be evidence in the disciplinary proceeding. No witness was examined to prove the said documents. The management witnesses merely tendered the documents and did not prove the contents thereof. Reliance, inter alia, was placed by the enquiry officer on the FIR which could not have been treated as evidence.”

8. The learned Senior Counsel for the petitioner further refers to and relies upon a judgment of the Hon’ble Supreme Court of India reported in **(2010) 2 SCC 772 (State of U.P. v/s Saroj Kumar Sinha)**, wherein in paragraph no.28 and 30, it has been held as follows:



“28. An inquiry officer acting in a quasi-judicial authority is in the position of an independent adjudicator. He is not supposed to be a 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. In the present case the aforesaid procedure has not been observed. Since no oral evidence has been examined the documents have not been proved, and could not have been taken into consideration to conclude that the charges have been proved against the respondents.

30. When 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 inquiry 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. The object of rules of natural justice is to ensure that a government servant is treated fairly in proceedings which may culminate in imposition of punishment including dismissal/removal from service.”

9. The learned Senior Counsel for the petitioner further refers to and relies upon a judgment of the Hon’ble Supreme Court of India reported in **(2012) 4 SCC 407 (Ravi Yashwant Bhoir v/s District Collector, Raigad & Ors.)**, wherein in paragraph no.44, it has been held as follows:

“44. This Court while deciding the issue



in *Sant Lal Gupta v. Modern Coop. Group Housing Society Ltd.*, placing reliance on its various earlier judgments held as under: (SCC pp. 345-46, para 27)

“27. It is a settled legal proposition that not only administrative but also judicial orders must be supported by reasons recorded in it. Thus, while deciding an issue, the court is bound to give reasons for its conclusion. It is the duty and obligation on the part of the court to record reasons while disposing of the case. The hallmark of order and exercise of judicial power by a judicial forum is for the forum to disclose its reasons by itself and giving of reasons has always been insisted upon as one of the fundamentals of sound administration of the justice delivery system, to make it known that there had been proper and due application of mind to the issue before the court and also as an essential requisite of the principles of natural justice.

‘3. ... The giving of reasons for a decision is an essential attribute of judicial and judicious disposal of a matter before courts, and which is the only indication to know about the manner and quality of exercise undertaken, as also the fact that the court concerned had really applied its mind.’

The reasons is the heartbeat of every conclusion. It introduces clarity in an order and without the same, the order becomes lifeless. Reasons substitute subjectivity with objectivity. The absence of reasons renders an order indefensible/unsustainable particularly when the order is subject to further challenge before a higher



forum. Recording of reasons is the principle of natural justice and every judicial order must be supported by reasons recorded in writing. It ensures transparency and fairness in decision making. The person who is adversely affected must know why his application has been rejected.”

SUBMISSIONS ON BEHALF OF THE STATE RESPONDENTS

10. *Per contra*, the learned counsel appearing on behalf of the State, while referring to the counter affidavit filed on behalf of the respondents, submits that the appeal preferred by the petitioner was dismissed on the ground of its non-maintainability, since in terms of Rule 24(2) of the Bihar C.C.A. Rules, 2005, the petitioner should have filed a review petition, however the petitioner, for the reasons best known to him, did not file any review petition and has preferred the present writ petition, therefore, the present writ petition itself is not maintainable. He submits that the departmental proceeding was conducted in terms of the provisions contained in Bihar C.C.A. Rules, 2005 and the petitioner was given ample opportunity to defend himself. The petitioner participated in the said proceeding, however the disciplinary authority, while rejecting the second show-cause reply submitted by the petitioner, proceeded to award punishment of dismissal from service and further directed that the period, during which the petitioner remained under suspension, he will be entitled for payment of



subsistence allowance and nothing further will be paid to him for the said period.

CONCLUSION/ANALYSIS

11. Having considered the rival submissions and after going through the records, it appears that a decision was taken to initiate departmental proceeding against the petitioner on 28.01.1997, for the charges levelled against him. In the said charge, there was no mention of unauthorized absence of the petitioner from service. Subsequently, the petitioner was put under suspension on 29.03.1997 for disobeying the order of transfer issued against him. It further appears from the records that vide Letter No.456 dated 30.06.1994, the petitioner was directed not to be relieved from Sub-Divisional Hospital, Jamui by the District Magistrate Jamui. Subsequently, the charges levelled against the petitioner were modified by the authorities and decision was taken to initiate fresh departmental proceeding against the petitioner for the fresh charges, for which memo of charge was issued on 17.06.2011. It further appears that the enquiry officer proceeded to submit his enquiry report before the disciplinary authority, wherein he found the charges levelled against the petitioner to be proved, except charge no.2(ii), on the 28.01.1997 basis of the documents and upon his own



consideration, without examination or cross-examination of any of the witnesses. It is settled law that even in an ex-parte enquiry it is incumbent upon the enquiry officer to prove the charges on the basis of the evidences of the witnesses, to prove the documents relied during enquiry, however, in the present case, no such effort was made by the enquiry officer and only on the basis of his own consideration and the materials/documents which were never proved by their respective authors, the disciplinary authority proceeded to submit his report, by holding that the charges have been found to be proved, except charge no.2(ii), since the petitioner failed to deny the charges and it was the duty of the petitioner to prove his innocence. The disciplinary authority issued second show-cause notice to the petitioner and it appears from the impugned order dated 27.02.2015, that without consideration of the reply submitted by the petitioner and without application of his mind, the disciplinary authority proceeded to dismiss the petitioner from service, only on the basis of the enquiry report submitted by the enquiry officer. The impugned order passed by the disciplinary authority does not contain any reason for rejection of the reply/second show-cause reply submitted by the petitioner. It further appears that no subsistence allowance has been paid to



the petitioner during the period he remained under suspension and with regard to non-payment of anything, apart from what has been paid to the petitioner during the period of suspension, no separate show-cause notice was issued to the petitioner, that why the petitioner be denied the entire salary for the said period, which is in violation of the provisions contained under Rule 97 of the Bihar Service Code.

12. In a recent judgment of the Hon'ble Supreme Court of India in the case of **Jai Prakash Saini Vs. Managing Director U.P. Cooperative Federation Ltd. And Ors., reported in 2026 (3) PLJR 125 SC**, wherein in paragraph nos.17 & 18 it has been held as follows:

“17. From the decisions of this Court in Sur Enamel (supra): (AIR 1963 SC 1914) and Kharak Singh (supra): (2008 AIR SCW 7507), followed in Chamoli District Cooperative (supra): (AIR 2016 SC 2510), which deals with similar service rules as are applicable here, it is now settled that unless the charged employee accepts his guilt in clear terms, an enquiry on the charges drawn against him would have to be held. In the enquiry, the employer/department would have to take steps first to lead evidence against the workmen/delinquent charged and give an opportunity to him to cross examine those witnesses. Only thereafter, the workmen /delinquent shall be asked whether he wants to lead any evidence and/or submit an explanation about the evidence led against him.



Even in a case based solely on documentary evidence, unless the relied upon documents are admitted by the charged employee, a witness would have to be examined to prove those documents and when so examined, the witness would have to be tendered for cross-examination.

18. In the instant case, we find that the department had not produced any witness in the enquiry even though the charges levelled upon the appellant were denied by him. Therefore, in our view, the enquiry stood vitiated. Once the enquiry stood vitiated, the consequential order of punishment/recovery cannot be sustained. We therefore allow this appeal. The impugned judgment and order of the High Court is set aside. The writ petition of the appellant stands allowed to the extent indicated below. The order of dismissal and consequential recovery is set aside. The Federation is, however, at liberty to hold a de novo enquiry, if it so desires, within a period of six months from the date of this order. If the Federation does not hold de novo enquiry as permitted above, the appellant shall be entitled to reinstatement with benefit of continuity in service including arrears of salary after adjusting suspension allowance, if any, paid already. In case the Federation chooses to hold an enquiry, it shall reinstate the appellant and place him under suspension till completion of the enquiry and during this period pay suspension allowance as may be payable in accordance with law. In case de novo enquiry is held, other service benefits including arrears of salary as well as benefits of continuity in service shall depend on the outcome of the enquiry. ”

13. Similarly, the Hon'ble Supreme Court of India in a recent judgment passed in a case reported in **2026 INSC 639**



(Surekha Domaji Bele Vs. Executive Engineer, Testing Division MSEDCL) in paragraph nos.106, 107, 108, 109, 110 and 111.7 has held as follows:

“106. Dismissal from service is the severest form of penalty which can be inflicted on a delinquent employee in service jurisprudence. It brings the relationship of employer and employee to an end permanently, and ordinarily deprives the employee of the incidents of past service, including retiral benefits. It does not lead merely to the loss of the existing source of income for the employee but also for the dependent family members. Thus, it will have a devastating effect not only on the dismissed employee but also on all those who are dependant on the employee. Because of the severity of its impact not only on the employee but also to his dependents, the disciplinary authority must be very careful in seeking to impose the severest form of punishment of dismissal. It further carries consequences beyond immediate cessation of employment. It leaves a permanent stigma on the service record of the employee concerned, and may impair future employment prospects, particularly in public employment, statutory bodies, public sector undertakings and other regulated establishments where antecedents and service record are material. For this reason, dismissal must remain reserved for cases where the misconduct is of the most serious nature where elements of synthetic consideration would be undesirable and inappropriate.

107. The misconduct found proved against the Appellant relates to indiscipline, insubordination, and the consequent tampering with



documents. We are not minimizing the importance of discipline in an office establishment. However, the material presently noticed does not show corruption, illegal gratification, moral turpitude, misappropriation of funds, proved pecuniary loss to the employer, public scandal, or conduct bringing the institution into public disrepute. The allegations substantially appear to arise out of internal office functioning and service-related conflict and did not play out in the public domain.

108. In the present case, we do not find that the competent authority undertook such an exercise of evaluating various relevant factors. The order does not reflect consideration of the Appellant's long service, past record, age, absence or presence of dishonesty, or absence or presence of actual loss as also commended by the Labour Court.

109. Even where the Regulations include dismissal as one of the permissible punishments for acts of misconduct, the authority is not relieved of its duty to consider all relevant factors to see whether the facts of the case truly warrant the most extreme form of penalty. The mere fact that a proved act falls within the broad category of "misconduct" under the Regulations does not mean that dismissal must follow as a matter of course.

110. Dismissal is ordinarily justified where the misconduct is of such gravity that continuance of the employee would be wholly incompatible with discipline, trust or institutional functioning. Cases involving corruption, illegal gratification, moral turpitude, misappropriation, acts causing substantial loss to the employer, or conduct showing complete unfitness for continued service stand on a different footing. (However, where the



misconduct does not involve corruption, moral turpitude, financial misappropriation or proved loss to the employer, and where there is long service without much blemish, the disciplinary authority must carefully examine whether any lesser punishment would meet the ends of justice.

111.7 Before imposing the penalty of dismissal from service, the disciplinary authority failed to consider the relevant factors bearing on punishment, including the nature and gravity of the misconduct, the Appellant's long service, past record, age, absence of financial loss to the Respondent Company, or dishonesty, and the possibility of imposing a lesser penalty.”

14. In the present case, the charge against the petitioner is that he remained absent from duties upon his transfer from Jamui, however the documents were produced before the enquiry officer to the effect that the District Magistrate, Jamui directed the Deputy Superintendent of the Sub-Divisional Hospital at Jamui not to relieve the petitioner for his joining and therefore on account of the letters written by the District Magistrate, Jamui, the petitioner was not relieved and it was not in control of the petitioner to give joining before the authorities concerned. The letter of the District Magistrate, Jamui was within the knowledge of the Secretary-cum-Commissioner of the Department of Health. The enquiry officer did not take into consideration the defence taken by the petitioner and



rejected the same without even referring to the said letter and found the petitioner to be guilty of defiance of the orders of transfer.

15. Considering the totality of the facts and the judgments of the Hon'ble Supreme Court of India to the effect that no witnesses were examined in the departmental proceeding and the disciplinary authority without even considering the reply submitted by the petitioner to the second show-cause notice, in a mechanical manner, proceeded to award the punishment of dismissal from service against the petitioner, this Court is of the opinion that the impugned order passed by the disciplinary authority contained in Memo No.167(9) dated 27.02.2015 issued under the signature of the Joint Secretary to the Government, Department of Health, Government of Bihar, Patna deserves to be set aside and is accordingly, set aside. This Court is conscious of the fact that no review was preferred by the petitioner against the order passed by the disciplinary authority in terms of Rule 24(2) of the Bihar C.C.A. Rules, 2005. This Court is aware of the fact that departmental proceeding was initiated on 28.01.1997 and subsequently the same was again initiated on 17.06.2011 and finally the order of punishment was issued on 27.02.2015. The appeal was also rejected as not maintainable on



24.04.2016. The writ petition was filed on 02.08.2016, however somehow or other it remained pending before this Hon'ble Court. The petitioner retired on 30.09.2023, therefore now relegating the petitioner to the authorities concerned for availing the alternative remedy will again cause prejudice to his cause, which remain pending for almost 10 years, before this Hon'ble Court and no useful purpose would be served.

16. It has been informed that during pendency of the writ petition, the petitioner has attained the age of superannuation on 30.09.2023. Therefore, this Court is not remitting the matter back to the respondent authorities to proceed afresh in the matter, since the High Court under Article 226/227 is entitled to interfere when the finding of fact is based on no evidence and if in every case where no valid evidence is laid at the enquiry proceeding, there is a remand made, it would be offering a premium to the negligence of the management/disciplinary authority and condoning the levity with which the departmental enquiry was conducted. It is the disciplinary authority, who appoints the Enquiry Officer and the Presenting Officer and it is expected that the Presenting Officer would be well versed in the procedures and also be informed in the manner in which evidence has to be laid before the Enquiry



Officer, to prove the misconduct, alleged against a delinquent employee. In a disciplinary enquiry proceeding, it is also the trite principle that the standard of proof is preponderance of probability as distinguished from proof beyond reasonable doubt, as would be required in a criminal prosecution. However, if there is no evidence laid at the enquiry, there is no question of any preponderance of probability being drawn to find the allegations proved nor can the delinquent be penalised on the basis of peremptory finding without any valid evidence. Reference may be made in this regard to the decision of the Hon'ble Division Bench of this Court in the case of **the State of Bihar & Ors. v/s Vikash Kumar @ Vikas Kumar in L.P.A. No.446 of 2024.**

17. Accordingly, from the considerations made above, the writ petition is allowed. The petitioner will be entitled for payment of salary for the entire period during which he remained under suspension i.e. 29.03.1997 to 27.02.2015 i.e. the date of his termination. The petitioner would further be entitled for payment of 50% of the backwages for the period 28.02.2015 till the date of his retirement i.e. 30.09.2023 in view of the judgment of the Hon'ble Supreme Court of India dated 15.12.2025 passed in Civil Appeal No.14775 of 2025, arising out of SLP (C) No.8180 of 2020 (Dinesh Chandra Sharma Dead through LRS



v/s Bhartiya Paryatan Vikas Nigam Limited & Anr.) The petitioner will be entitled for payment of full pension w.e.f. 01.10.2023 and all the post retirement benefits, for which he would have been entitled prior to issuance of order dated 27.02.2015. The entire exercise in this regard must be completed by the authorities concerned within a period of four months from the date of receipt/production of a copy of the order.

18. With the aforementioned directions, the writ petition is allowed.

19. Pending application(s), if any, shall also stand disposed of.

(Ritesh Kumar, J.)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.07.2026
Transmission Date	NA

