

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19832 of 2018

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Rosalia Kumari Wife of Samir Purti terminate A.N.M. Primary Health Centre,
Parasa, Bagaha-I, At present Resident of Village-Chakhani, P.s. Bagaha,
District-West Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Health,
Bihar, Vikash Bhavan, Patna
2. The Director, Department of Health, Bihar, Vikash Bhawan, Patna
3. The Chief Medical Officer, West Champaran
4. The Assistant Chief Medical Officer, West Champaran
5. The Medical Officer Incharge, Primary Health Centre, Bagaha-I, District-
West Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajiv Prashant, Advocate
For the Respondent/s	:	Mr. Rajeshwar Singh -GA10
		Mr. Jitendra Kumar AC to GA10

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 30-06-2026 Heard the learned counsel for petitioner and the

learned counsel appearing on behalf of the State.

2. The present writ petition has been filed for a
direction upon the respondent authorities to make payment of
dues amount of arrears of salary from February 2009 to
31.01.2017. Further prayer in the writ petition is for setting
aside, the order dated 31.01.2017 contained in Memo No. 192
issued under the signature of the Civil Surgeon -cum- Chief
Medical Officer, West Champaran at Bettiah, whereby the
services of the petitioner has been terminated. Further, prayer in



the writ petition is for setting aside the order contained in Memo No. 2240 dated 14.11.2016 passed by the Civil Surgeon -cum- Chief Medical Officer, West Champaran at Bettiah, whereby the direction was issued to initiate departmental proceeding against the petitioner.

BRIEF FACTS

3. The brief facts giving rise to the present writ petition are that the petitioner was working as an A.N.M. in Primary Health Centre, Parasa, Bagaha-I. She was transferred vide Memo No. 1058 dated 28.06.2008 issued under the signature of the Chief Medical Officer, West Chamaparan at Bettiah from Primary Health Centre, Parasa, Bagaha-I to Primary Health Centre, Mainatar. Subsequently, vide Memo No. 2070 dated 17.12.2008 passed by the Civil Surgeon -cum- Chief Medical Officer, West Chamaparan at Bettiah, the order contained in Memo No. 1058 dated 28.06.2008 was stayed on the request/representation made by the petitioner. The petitioner filed a writ petition bearing C.W.J.C. Case No. 17647 of 2008 challenging the transfer order contained in letter no. 1058 dated 28.06.2008. The writ petition was heard by a Hon'ble single judge of this court and vide order dated 09.01.2009, while directing the state-respondents to file their counter affidavit, the



order of transfer contained in letter no.1058 dated 28.06.2008, so far it related to the petitioner was directed to be stayed. It is the case of the petitioner that although stay order was there in favour of the petitioner, however, the petitioner was again transferred from Health Centre, Parasa, Bagaha-I to Health Centre Raibari Mahua vide letter no. 09 dated 13.01.2009 issued under the signature of the In-charge Medical Officer, Primary Health Centre, Bagaha-I. The petitioner kept on working at Primary Health Centre, Bagaha-I, in view of the stay order and she gave her joining on 07.01.2009. When she was not being paid salary, she filed an application before the Civil Surgeon -cum- Chief Medical Officer, West Champaran at Bettiah, with a request to make payment of salary in her favor. The writ petition filed by the petitioner was finally heard and disposed off by a learned Single Judge of this Hon'ble Court vide order dated 24.8.2011 with a liberty to the petitioner to file a representation before the Civil Surgeon -cum- Chief Medical Officer, West Champaran at Bettiah within two weeks and the Civil Surgeon was directed to consider her representation in the light of the policy decision of the State and to pass appropriate order in accordance with law within two weeks thereafter. In terms of the directions given by this Hon'ble Court in C.W.J.C. No.



17647 of 2008, the petitioner filed a representation before the Civil Surgeon -cum- Chief Medical Officer, West Champaran at Bettiah. When the petitioner was not paid her salary, she filed a writ petition bearing C.W.J.C. No. 10988 of 2009. The said writ petition was heard by learned Single Judge of this Hon'ble Court and vide order 15.10.2009, the writ petition was allowed with a direction to the respondents to make payment of the entire arrears of salary and continue to make payment of current salary to the petitioner within a period of four weeks from the date of presentation/communication of the copy of the order. Being aggrieved with the said order dated 15.10.2009 passed in C.W.J.C. No. 10988 of 2009, the state-respondents preferred Letters Patent Appeal bearing L.P.A. No. 1994 of 2010. The said appeal was heard by a Hon'ble Division Bench of this Court and vide order dated 19.07.2016, the appeal preferred by the State was dismissed.

4. In the meanwhile, the petitioner filed contempt application bearing M.J.C. No. 1133 of 2010, for non-compliance of order dated 15.10.2019 passed in C.W.J.C. No.10988 of 2009. In the said contempt application vide an interim order dated 07.09.2016, a direction was issued to the authorities concerned to comply the order dated 15.10.2009



within four weeks and the matter was directed to be listed after four weeks. In compliance of the order dated 07.09.2016 passed in M.J.C. No. 1133 of 2010, the respondent authorities released fund for making payment of salary to the petitioner vide letter dated 03.10.2016 issued under the signature of the Civil Surgeon -cum- Chief Medical Officer, West Champaran at Bettiah. Being aggrieved with the order passed by the Hon'ble Division Bench in LPA No. 1994 of 2010, the State-respondent preferred Special Leave to Appeal (Civil) No. 2315 of 2017 before the Hon'ble Supreme Court of India. The appeal preferred by the State was finally disposed of vide order dated 21.8.2017 by observing that during pendency of the petition, the services of the respondent i.e. the petitioner herein, has been terminated by an order dated 30.01.2017 and therefore a liberty was granted to the petitioner herein to challenge the order of termination in an appropriate forum. It was directed that the concerned forum, where the order is challenged will also take a decision on the salary, that may or may not be paid to the respondent during the period of absence from duty. In terms of the liberty granted by the Hon'ble Supreme Court of India, the petitioner has filed the present writ petition, wherein the order contained in Memo No. 2240 dated 14.11.2016, passed by the



Civil Surgeon -cum- Chief Medical Officer, West Champaran at Bettiah, whereby a decision has been taken to put the petitioner under suspension and to initiate departmental proceeding against the petitioner was taken has been assailed. Further the order contained in Memo No. 192 dated 13.01.2017 passed by the Civil Surgeon -cum- Chief Medical Officer, West Champaran at Bettiah has also been assailed whereby the services of the petitioner has been terminated.

SUBMISSION ON BEHALF OF THE PETITIONER

5. The learned counsel appearing on behalf of the petitioner submits that despite the stay order operating in favour of the petitioner, she was again transferred to a different place. He submits that in compliance of the order passed by this Hon'ble court as well as the order dated 17.12.2008 passed by the Civil Surgeon -cum- Chief Medical Officer, West Champaran at Bettiah, the petitioner gave her joining at Primary Health Centre, at Parasa on 07.01.2009 and she continuously performed her duties, however she was not paid her salaries by the concerned authorities for the reasons best known to them. He further submits that despite the fact that the writ petitioner filed by the petitioner was allowed and the L.P.A. and S.L.P. preferred by the State was dismissed, the petitioner



has not been paid her salary for the period February 2009 to 31.01.2017. He submits that the action of the respondent authorities is in complete violation of the orders passed by this Hon'ble Court in C.W.J.C. No. 10988 of 2009. Since the Hon'ble the Single Judge of this Court had directed to make payment of entire arrears of salary and to make payment of current salary in favor of the petitioner. He further submits that despite release of grant for making payment of salary to the petitioner, the respondent-authorities deliberately have not paid any amount to the petitioner towards her salary and during pendency of the appeal filed by the petitioner, they proceeded to dismiss the petitioner from service.

6. The learned counsel for the petitioner further submits that from perusal of the memo of charge which has been brought on record by the respondents authorities, it would transpire that the same has been issued in complete violation of the provisions contained under Rule 17(3) & (4) of the Bihar CCA Rules, 2005 in as much as that the authorities, while issuing the memo of charge did not give the details of the documents and the witnesses on which the department intended to rely during course of disciplinary proceeding/enquiry. He further submits that even the enquiry report submitted by the



Enquiry Officer is fit to be rejected in view of the fact that the Enquiry Officer assumed the role of the Presenting Officer himself and went on to prove the charges against the petitioner without the Presenting Officer providing any document or witnesses in his favor to prove his case. He further submits that even no opportunity was granted to the petitioner to adduce evidence in her favor, which is in complete violation of the provisions contained in Rule 17(14) of the Bihar CCA Rules, 2005.

7. The learned counsel for the petitioner in support of his contention refers to and relies upon a judgment of the Hon'ble Supreme Court of India in the case of **(Roop Singh Negi Vs Punjab National Bank and Ors.)** reported in 2009 (2) SCC 570, wherein in paragraph nos. 14 & 23, the Hon'ble Supreme Court has 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.

23. Furthermore, the order of the disciplinary authority as also the appellate authority are not supported by any reason. As the orders passed by them have severe civil consequences, appropriate reasons should have been assigned. If the enquiry officer had relied upon the confession made by the appellant, there was no reason as to why the order of discharge passed by the criminal court on the basis of selfsame evidence should not have been taken into consideration. The materials brought on record pointing out the guilt are required to be proved. A decision must be arrived at on some evidence, which is legally admissible. The provisions of the Evidence Act may not be applicable in a departmental proceeding but the principles of natural justice are. As the report of the enquiry officer was based on merely ipse dixit as also surmises and



conjectures, the same could not have been sustained. The inferences drawn by the enquiry officer apparently were not supported by any evidence. Suspicion, as is well known, however high may be, can under no circumstances be held to be a substitute for legal proof.”

8. The learned counsel for the petitioner further refers to and relies upon a judgment of the Hon'ble Supreme Court of India in the case of **(State of Uttar Pradesh & Ors. vs. Saroj Kumar Sinha)**, reported in (2010) 2 SCC 772, wherein in paragraph nos. 27, 28 and 30, it has been held as follows:

“27. A bare perusal of the aforesaid sub-rule shows that when the respondent had failed to submit the explanation to the charge-sheet it was incumbent upon the inquiry officer to fix a date for his appearance in the inquiry. It is only in a case when the government servant despite notice of the date fixed failed to appear that the inquiry officer can proceed with the inquiry ex parte. Even in such circumstances it is incumbent on the inquiry officer to record the statement of witnesses mentioned in the charge-sheet. Since the government servant is absent, he would clearly lose the benefit of cross-examination



of the witnesses. But nonetheless in order to establish the charges the Department is required to produce the necessary evidence before the inquiry officer. This is so as to avoid the charge that the inquiry officer has acted as a prosecutor as well as a judge.

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 un rebutted 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.”

SUBMISSION ON BEHALF OF THE RESPONDENTS

9. *Per Contra*, the learned counsel appearing on behalf of the State submits that the petitioner remained absent from duty w.e.f. 7.1.2009 and violated the orders passed by the competent authority. Despite best effort made by the authority concerned to serve notices/letters upon the petitioner at her residential address, she refused to accept the same and did not adhere to the directions given in the said letters. Despite best effort made by the respondent authorities, she did not join at her transferred place of posting. He submits that an enquiry was conducted by the Deputy Superintendent -cum- Additional Chief Medical Officer, West Champaran at Bettiah and he submitted his report before the competent authority vide memo no. 454(RI) dated 03.10.2016. On the basis of the said enquiry report vide memo no. 2240 14.11.2016 issued under the signature of the Civil Surgeon -cum- Chief Medical Officer, the



petitioner was put under suspension and direction was issued to initiate departmental proceeding against the petitioner by giving/issuing memo of charge. Subsequent thereto, memo of charge was issued to the petitioner, wherein certain charges were leveled against the petitioner and the Conducting Officer was appointed. In terms of the said memo of charge, the conducting officer by his letter no. 3 dated 09.01.2017 informed the petitioner about her suspension and further directed her to appear on 16.01.2017 at 11 A.M. Further on the same day vide Letter No. 04, the In-charge Medical Officer and the concerned clerk of Primary Health Centre, Bagaha-1 were directed to appear along with the relevant records. He further submits that the petitioner gave an application before the conducting officer on 16.01.2017, wherein she sought 10 days time to consult her lawyer. On the same day i.e. 16.01.2017, the In-charge Medical Officer, Primary Health Centre, Bagaha-I, informed the conducting officer that the charges leveled against the petitioner are true and further informed that the petitioner has deliberately violated the directions given by the higher authorities. The petitioner vide her reply dated 25.01.2017, requested the conducting officer to exonerate her from the charges leveled against her. The Enquiry/Conducting Officer after conducting



enquiry, submitted his report before the disciplinary authority vide Memo No. 21 dated 28.01.2017, wherein he found the charges to be leveled against the petitioner to be proved and recommended for taking action against the petitioner.

10. The learned counsel for the State submits that since the petitioner was found to be absent from her duty w.e.f. 07.01.2009 and despite repeated requests made by the authorities concerned she did not received the letters and did not gave her joining, a decision was taken to initiate departmental proceeding against the petitioner. After due notice, the petitioner appeared in the departmental proceeding and submitted her reply, which was duly considered by the Enquiry Officer and the Enquiry Officer found the petitioner guilty of the charges leveled against her. On the basis of the enquiry report and after perusal of the materials brought to the notice of the disciplinary authority, the disciplinary authority proceeded to pass an order of punishment whereby the petitioner has been dismissed from service. He submits that the departmental proceeding was conducted in terms of the provisions contained in Bihar CCA Rules, 2005 and the petitioner was granted due opportunity to participate in the departmental proceeding.



CONSIDERATION/ ANALYSIS

11. Having considered the rival submissions and after going through the records, it appears that the petitioner was transferred from Primary Health Centre, Bagaha-I to Primary Health Centre Mainatar, however the same was stayed by the Civil Surgeon -cum- Chief Medical Officer, West Champaran at Bettiah on 17.12.2008. The petitioner filed writ petition bearing C.W.J.C. No. 1764 of 2008, wherein vide order dated 9.1.2009, the transfer order of the petitioner was also stayed. An application was filed by the petitioner on 03.07.2009 for making payment of her arrears of salary. The writ petition filed by the petitioner was disposed of vide order dated 24.08.2011 by a learned Single Judge of this Court with a liberty to the petitioner to file representation before the Civil Surgeon -cum- Chief Medical Officer. Civil Surgeon -cum- Chief Medical Officer was directed to consider the same and pass a reasoned order. In compliance thereof, the petitioner filed a representation on 06.09.2011. In the meantime, the petitioner filed a writ petition bearing C.W.J.C No. 10988 of 2009 for making payment of her arrears of salary. The writ petition was allowed by a learned Co-ordinate Bench of this Court vide order dated 15.10.2009 with a direction to the respondents to make payment of entire



arrears of salary and continue to make payment of current salary to the petitioner. Being aggrieved with order dated 15.10.2009, passed in C.W.J.C No. 10988 of 2009, the State preferred an appeal before this Hon'ble Court bearing L.P.A. No.1994 of 2010. The appeal preferred by the State of Bihar was dismissed by a Hon'ble Division Bench of this Court vide order dated 19.07.2016. Being aggrieved with the order of the Hon'ble Division Bench, the State preferred Special Leave to Appeal (C) No. 2315 of 2017, however the same was disposed of, since during pendency of the same, the petitioner was terminated from service. It appears from the memo of charge dated 16.11.2016, that the petitioner was held guilty at the time of framing of charge itself, since the authority concerned who had issued the memo of charge, while putting the petitioner under suspension and appointing the Conducting Officer, recorded that the petitioner is fully responsible for her suspension and is guilty, therefore she is entitled for major punishment. From perusal of the memo of charge, it would further transpire that no documents/list of witnesses were provided to the petitioner, which is in violation of the provisions contained in Rule 17 (3) & (4) of the Bihar CCA Rules, 2005. Since no list of witnesses were provided to the petitioner along with memo of charge, the



document on which the Enquiry Officer relied during course of enquiry, were never proved by their respective authors and even the petitioner was denied an opportunity to examine/cross-examine the witnesses. It further appears from the memo of charge that even the Presenting Officer was not appointed to present the case of the department. It further appears that the Enquiry Officer only on the basis of the reply given by the In-charge Medical Officer, Primary Health Centre, Bagaha-I, proceeded to prove the charges against the petitioner and he assumed the role of the Presenting Officer himself. Further after submission of the enquiry report, no second show cause notice was issued to the petitioner, which is in complete violation of the provisions contained in Rule 18 (3) of the Bihar CCA Rules, 2005. The disciplinary authority only on the basis of enquiry report submitted by the Enquiry Officer, proceeded to pass the order of dismissal from service against the petitioner.

12. The Hon'ble Supreme Court of India in a recent decision in the case of **(Jai Prakash Saini Vs. Managing Director U.P. Cooperative Federation Ltd. And Ors.)** reported in 2026 (3) PLJR 125 SC, in paragraph nos.17 and 18, has 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 can-not 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. It is settled proposition that even in a case based solely on the 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, a witness would have to be tendered for cross-examination. In the present case this Court finds that the department had not produced any witness in the enquiry, even though the charges leveled against the petitioner were denied by her. In the considered opinion of this Court the enquiry itself stood vitiated. Once the enquiry stood vitiated the consequential order of punishment of dismissal of service cannot be sustained. Further the Hon'ble Supreme Court of India in a recent judgment in the case of **(Surekha Domaji Bele Vs. Executive Engineer, Testing Division MSEDCL)** reported in 2026 SCC Online SC 1109, wherein in paragraph nos. 106, 107, 108, 109, 110 & 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. It further appears from the record that before issuance of memo of charge, no opportunity was granted to the petitioner to file reply in terms of Rules 17 (4) & (5) of the Bihar CCA Rules, 2005 in as much as that no show cause notice was ever issued to the petitioner before initiation of the departmental proceeding.

15. Considering the settled legal proposition, this Court is of considered opinion that the impugned order contained in Memo No. 192 dated 31.01.2017, issued under the signature of the Civil Surgeon -cum- Chief Medical Officer, West Champaran at Bettiah deserves to be set aside and is accordingly set aside. The matter is remitted back to the respondent authority i.e. Civil Surgeon -cum- Chief Medical Officer, West Champaran at Bettiah to proceed from the



defective stage i.e. from issuance of show cause notice to the petitioner and to conclude the departmental proceeding within a period of six months from the date of receipts/production of a copy of the order. The decision with regard to payment of salary of the petitioner shall be taken by the respondent authorities, while taking decision in the departmental proceeding.

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

17. Pending application(s), if any, shall also stands disposed of.

(Ritesh Kumar, J)

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