

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15691 of 2024**

Rakesh Mani S/o Girija Nandan Mani, R/o Ujhandi, H.No. 359, Near Arubi Jabik Karkhana, Kali Sthan, P.S.- Jamui, P.O. Jamui, District- Jamui- 811307 (Bihar). At present posted as Assistant under inquiry at Krishi Vigyan Kendra, Lalganj Itarhi Road, Buxar - 802103 (Bihar).

... .. Petitioner

Versus

1. The Union of India through the Secretary, Indian Council of Agricultural Research, Ministry of Agriculture and Farmers Welfare, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi- 110001 (India).
2. The Director General, Indian Council of Agricultural Research, Ministry of Agriculture and Farmers Welfare, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi- 110001 (India).
3. The Additional Secretary (DARE) and Secretary (ICAR), Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi- 110001 (India).
4. The Deputy Director General, (NRM), ICAR- Krishi Anusandhan Bhawan-II, Pusa New Delhi- 110012 (India).
5. The Under Secretary (Vigilance), ICAR, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi- 110001 (India).
6. The Director, Indian Council of Agricultural Research, Research Complex for Eastern Region, ICAR Parisar, P.O.- Bihar Veterinary College Campus, Patna - 800014 (Bihar).
7. Dr. Ashutosh Upadhyaya, The Then Director (Acting), Indian Council of Agricultural Research, Research Complex for Eastern Region, ICAR Parisar, P.O.- Bihar Veterinary College Campus, Patna- 800014 (Bihar).
8. The Vigilance Officer, Indian Council of Agricultural Research, Research Complex for Eastern Region ICAR Parisar, P.O.- Bihar Veterinary College Campus, Patna - 800014 (Bihar).
9. The Chief Administrative Officer, Indian Council of Agricultural Research, Research Complex for Eastern Region, ICAR Parisar, P.O.- Bihar Veterinary College Campus, Patna- 800014 (Bihar).
10. The Director of Ad-hoc Disciplinary Authority, ICAR-ATARI, Zone- IV, Patna, P.O.- Sahaynagar, Patna- 801506, (Bihar).
11. The Principal Scientist and Inquiring Authority, ICAR-ATARI, Zone- IV, Patna, P.O. - Sahaynagar, Patna- 801506, (Bihar).
12. The Administrative Officer and Presenting Officer, Indian Council of Agricultural Research, Research Complex for Eastern Region, ICAR Parisar, P.O.- Bihar Veterinary College Campus, Patna - 800014 (Bihar).

... .. Respondents

**Appearance :**

|                     |   |                                                               |
|---------------------|---|---------------------------------------------------------------|
| For the Petitioner  | : | Mr. Rajesh Kumar Sinha, Advocate<br>Mr. Rahul Mani, Advocate  |
| For the Respondents | : | Mr. Additional Solicitor General<br>Mr. Sunil Kumar, Advocate |



**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**and**  
**HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)**

16    21-04-2026                      Heard learned counsel for the parties.

2. The present writ petition has been filed against the order dated 02.08.2024 passed by the learned Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as "CAT") in O.A. No. 050/00619 of 2024, whereby and whereunder the said original application has been dismissed being barred by limitation, as per Section 21 of the Administrative Tribunal Act, 1985.

3. At this juncture, we would hasten to reproduce the earlier order dated 28.10.2024 by which notices were issued to the respondents hereinbelow:

*"The petitioner has assailed the order of the Central Administrative Tribunal, Patna Bench, Patna (for short 'CAT') dated 02.08.2024 by which the petitioner's Original Application No. 050/00619 of 2024 was dismissed.*

*2. The petitioner has assailed the order dated 04.08.2022 of the Additional Secretary (DARE) and Secretary (ICAR) it reads as under:-*

*"INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
Krishi Bhavan, Dr. Rajendra Prasad Road, New Delhi-110001*

*F.No 3-1/2018-DA&A*

*Dated 04 August, 2022*

**ORDER**



*Whereas the disciplinary proceedings under CCS (CCA) Rules, 1965 is to be initiated against Shri Rakesh Mani, Assistant at ICAR Research Complex for Eastern Region, Patna.*

*Whereas the Disciplinary Authority in respect of Shri Rakesh Mani is the Director, ICAR Research Complex for Eastern Region, Patna. The post of Director in the Institute is presently held by Acting Director not vested with statutory powers.*

*Whereas the Secretary, ICAR considers that an Ad-hoc Disciplinary Authority under Rule 12 (2) CCS (CCA) Rules, 1965 should be appointed to process the case further.*

*Now therefore the Secretary, ICAR in exercise of the powers conferred by the President, ICAR vide Council's Order No. 4(1)/2008-Vig (D) dated 08.02.2008 hereby appoints Dr. Anajani Kumar, Director, ICAR-ATARI, Patna as the Ad-hoc Disciplinary Authority till further orders.*

*(Sanjay Garg)*

*Addl. Secretary (DARE) & Secretary (ICAR)"*

*3. Admittedly, there is no regular holder of the post of Director, ICAR who is the Disciplinary Authority to initiate departmental proceedings against the petitioner Shri Rakesh Mani, Assistant. By virtue of order dated 04.08.2022 ad hoc Disciplinary Authority has been appointed, namely, Dr. Anajani Kumar, Director, ICAR, Atari, Patna as ad hoc Disciplinary Authority till further orders while invoking Rule 12(2) Central Civil Services (Classification, Control and Appeal) Rules, 1965 (for short 'CCA Rules, 1965'). Reading of Rule 12(2) of CCA Rules, 1965, it is not relating to appointment of ad hoc Disciplinary Authority. Statutory power which have been vested with particularly officer, he alone is required to exercise such quasi judicial powers unless sub-delegated to his sub-ordinate and statute provide for such sub-delegation. In the present case, In-charge, Director cannot be appointed as ad hoc Disciplinary Authority.*



*4. The Additional Secretary (DARE) and Secretary (ICAR) has invoked wrong provision, namely, Rule 12(2) of CCA Rules, 1965. The same has not been examined by the CAT.*

*5. Learned counsel for the respondents India on instruction submitted that there is a delay in filing Original Application before the CAT. Question of delay would not arise in view of the fact that disciplinary proceedings have yet to attained finality. In other words, it is a continuing cause of action till disciplinary proceedings are concluded.*

*6. Taking note of these facts and circumstances, the petitioner has made out a case so as to interfere with the impugned orders dated 02.08.2024 and 04.08.2022 are stayed till next date of hearing.*

*7. Respondents are at liberty to file Interlocutory Application for vacating the present interim order, if they so desire.*

*8. Respondents are permitted to file counter affidavit, if any, before the next date of hearing.*

*9. Relist this matter on 09.12.2024.”*

4. In view of the aforesaid, the learned counsel for the parties are in agreement that a quietus can be given to the present case, if the matter is remanded back to the learned CAT for being heard on merits.

5. In view of the express consent of the learned senior counsel / counsel for the parties, we deem it fit and proper to quash the order dated 02.08.2024, passed in O.A. No. 050/00619 of 2024 and remand the matter back to the learned



CAT for deciding the same on merits. However, in view of the fact that the matter is lingering since a long time, we would request the learned CAT to finally hear and dispose of the aforesaid original application preferably within a period of six months from today.

6. It is needless to state that for a period of four weeks, the interim order dated 28.10.2024 passed in the present case shall continue so as to enable the petitioner to file appropriate application for grant of interim orders in the now pending original application.

7. Accordingly, the present writ petition stands disposed of on the aforesaid terms.

**(Mohit Kumar Shah, J)**

**(Arun Kumar Jha, J)**

Shahnawaz/-

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