

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Rai Chattopadhyay

WPA 1810 of 2022

Satyaki Kshetrapal

Vs.

Union of India & Ors.

For the Petitioner

: Mr. Ujjal Roy
: Mr. D. Bandhu
: Mr. Ivan Roy

For the State Respondent

: Mr. Debapriya Gupta

Judgment on

: 10.06.2026

Uploaded on

: 10.06.2026

Rai Chattopadhyay, J. :-

- 1.** The writ petitioner is in service with the Sashatra Seema Bal (hereinafter referred to as “the SSB”) and covered under the provisions of the Sashatra Seema Bal Act, 2007 and the Rules, 2009 framed thereunder. He has filed the instant writ petition challenging the order of the respondent authority/Commandant, 36 Bn SSB, Geyzing, dated October 08, 2021 by dint of which the authority has directed deduction of 30 per cent pay of the writ petitioner for being remitted to his wife, on account of maintenance payable to her consequent to their matrimonial dispute. The petitioner has prayed for setting aside of the said order dated October 08, 2021 and to pay him his actual salary without any deduction therefrom, as directed.
- 2.** The facts culminating into filing of the present writ petition may be summarised in the manner that, on and from July 29, 2021 the petitioner has been in service with the respondent/SSB. On January 02, 2018, he got married. But he never experienced a

peaceful and cordial married life. Their discord ultimately led to filing of an FIR against the petitioner by the wife on December 04, 2018 being Memari PS Case No. 621 of 2018 under Section 498A, 406, 34, IPC. Subsequent thereto, the wife made a written complaint to the respondent authority against the writ petitioner.

- 3.** On February 06, 2019, the writ petitioner was given a personal hearing concerning complaint of his wife, by the DIG, Special Operations, SSB, Srinagar, Kashmir, where the petitioner was posted at that point of time. During the hearing, the petitioner has categorically admitted about his marriage, disputes with his wife and also, that a police case being Memari PS Case No. 621 of 2018 has been lodged against him. He has also disclosed that in connection with the said police case, he has obtained bail. Pursuant thereto, office memorandum was issued dated February 15th, 2019 advising the writ petitioner to sort out his family dispute with wife at the appropriate level. Also, the petitioner was directed not to conceal any information which might have legal implications/bearing on his service and also to convey the progress of the criminal case against him to the office from time to time.
- 4.** Another complaint letter of the wife of the petitioner dated April 28, 2021 has been received by the office culminating into a show-cause notice being issued against the petitioner dated May 18, 2021. The crux thereof is that the wife of the petitioner submitted application in connection with regular harassment, threatening and not getting minimum maintenance from the petitioner. The wife informed about the FIR lodged against the petitioner on December 04, 2018, as mentioned above. The respondent in the said show-cause notice has stated that the petitioner has neither intimated to the office regarding the pending criminal case nor made any entry of marriage declaration in his service book, till the date of issuance of the said show-cause notice. Accordingly, the

respondent has stated further that the petitioner has suppressed the fact of a pending criminal case registered against him and his marriage declaration. That, being a member of the force concealment/suppression of the facts as above was not acceptable. Hence, the petitioner was directed to show cause as to why disciplinary action should not be initiated against him as per the SSB Acts and Rules. The direction in the said show-cause notice dated May 18, 2021 is as follows: -

“6. Now therefore, you are hereby directed to explain with the reason why disciplinary/ Administrative action should not be initiated for hiding the fact of FIR, not making declaration of marriage even having legally wedded wife and not providing minimum maintenance amount to legally wedded wife. Your explanation should reach undersign within 30 days for taking further necessary action. If you failed to submit within prescribed time period it will be treated as if you have nothing put in your defence, and further action shall be initiated accordingly.”

5. The writ petitioner has duly replied to the said show-cause notice by dint of his letter dated June 03, 2021 in which he has categorically explained that the allegation of suppression of material information like his marriage or pendency of a criminal case against him, was misconceived in so far as during the hearing on February 06, 2019 he has disclosed these facts to the higher authority at his earlier posting at Srinagar, Kashmir.
6. Subsequently, the respondent authority has ordered a “Court of Inquiry” to assemble on August 16, 2021 to inquire into the circumstances under which the petitioner has failed to make entry of his marriage and reason for not extending financial help to his wife. The petitioner was sent a summon dated August 14, 2021, to appear before the “Court of Inquiry” so constituted.
7. The “Court of Inquiry” has passed the following order dated October 08, 2021: -

“11. Now therefore, on the basis of the findings, opinion and recommendation of the Court of Inquiry report, it is ordered that:-

- a) Entry of marriage be made in service records of CT (GD) Satyaki Kshetrapal as per the details and facts established in Court of Inquiry report.*
- b) Deduction of 30% of his pay be made on every month and should be remitted to the account of his legally wedded wife Mrs. Ananya Kshetrapal Biswas till any other order issued by Hon'ble Court.*
- c) Start disciplinary action against CT (GD) Satyaki Kshetrapal for hiding information."*

- 8.** Since the "Court of Inquiry" directed for initiation of disciplinary action against the petitioner, the summary trial was held as per provision under Section 56 (1) (a) of the SSB Act, 2007 read with Rule 45 of SSB Rules, 2009, on the charge under Section 24 (e) of the SSB Act, 2007 against the petitioner. Section 24 of the SSB Act, 2007 provides for the 'offences' and the petitioner was charged with the offence "neglects to obey any general, local or other order" [per section 24 (e)].
- 9.** In the proceeding of summary trial held on October 21, 2021 the petitioner was found guilty of the charge against him as above. Hence, an order was passed dated October 21, 2021 by the authority in exercise of power conferred under Section 56 (1) (a) of the SSB Act, 2007 imposing punishment of "Imprisonment in Force Custody for 07 days" against the writ petitioner. Immediately thereafter, the petitioner was taken into custody as directed and after serving the sentence, he has been released on October 28, 2021.
- 10.** In this writ petition though, the petitioner has not thrown any challenge as to the order of the summary trial dated October 21, 2021, he challenges the portion of the order of the Commandant dated October 08, 2021, as per decision of the "Court of Inquiry" in which the "Court of Inquiry" directed for deduction of 30 per cent of his pay, to make over every month to his wife.
- 11.** The writ petitioner has been represented in this case by Mr. Ujjal Roy, learned advocate. The initial challenge of the writ petitioner is

as regards the incompetency of the “Court of Inquiry” to try and adjudicate a dispute relating to maintenance and impose punishment therefor.

- 12.** Mr. Roy has submitted about the cases where a “Court of Inquiry” can be held as per the SSB Rules. He submits that Chapter XIV of Sashastra Seema Bal Rules, 2009 (hereinafter called as ‘SSB Rules’) provides for “Court of Inquiry”). Rule 176 of the SSB Rules has been relied on to say that the same specifically provides the situations when the “Court of Inquiry” could be held. The same provides that it may be held to inquire into any disciplinary matter or any matter of importance. In addition to that, the same may be held in case of ‘Collective Fines’, provided in Section 60 of the ‘SSB Act’, in case of ‘Pay and allowances of prisoners of war during inquiry into his conduct’ provided in Section 65 of the Act, in case of ‘Inquiry into absence without leave’ provided in Section 74 of the Act. Apart from that, “Court of Inquiry” may be held in cases of unnatural death of persons who were subject to the Act, in case of injuries sustained by persons subject to the Act, also for financial irregularities, losses, theft, misappropriation of force property, etc.
- 13.** Thereafter, he says that there has been a breach of Rule 51 as well as 178 of the SSB Rules, in providing certain punitive measures against the writ petitioner by the “Court of Inquiry”. He submits that functions of the “Court of Inquiry” are in the nature of preliminary inquiry which are usually done in a Government department prior to initiation of a disciplinary proceeding. A regular inquiry proceeding in a disciplined force like the Seema Suraksha Bal is called “record of evidence” (with reference to Rule 51 of the SSB Rules). Therefore, it is submitted that the proceeding in which a punitive order was passed against the petitioner was in the nature of preliminary inquiry only and not even of a regular inquiry, much less of a regular disciplinary proceeding. It is submitted that for the reasons stated above, the respondent

authority was not authorized to impose any punitive measure against the petitioner.

- 14.** Violation of principles of natural justice as against the petitioner in the entire process held against him, has also been urged with reference to Rule 178 of the SSB Rules, 2009. It is submitted that though the Rules have provided of entitlement of a person who faces a “Court of Inquiry” or a summary trial by a Force Court, to the copies of the proceeding of the “Court of Inquiry” unless directed otherwise, still in violation thereof the petitioner has never been supplied with any relevant document which formed the basis of the decision of the authority against him in the “Court of Inquiry”. Allegedly, no opportunity of hearing was provided to the petitioner, before imposition of punishment by way of deduction of salary as held in the “Court of Inquiry”.
- 15.** He submits that as per the settled law, the report of Enquiry Officer is to be mandatorily furnished to the delinquent employee in the disciplinary proceeding. He says that, entitlement to receive the report of inquiry is regarded as a fundamental aspect of natural justice, even overriding any statutory Rules that may prohibit or remain silent on the matter. In this regard, Mr. Roy learned advocate has referred to the judgments: -

 - i) ***Union of India and Others Vs. Mohd. Ramzan Khan [(1991) 1 SCC 588]***
 - ii) ***Managing Director, Eastern CIL, Hyderabad and Others Vs. B. Karunakar and Others*** reported in ***(1993) 4 SCC 727***
 - iii) ***Vinod Kumar Vs. Jammu Municipality Corporation and Another*** in ***SWP No. 2900/2016*** dated ***April 20, 2024***, High Court of Jammu and Kashmir and Ladakh at Jammu.

- 16.** According to the petitioner, the “Court of Inquiry” is also not authorized and empowered to impose punishment of deduction of pay as per provision of the SSB Act, 2007. In this regard, he mentions about the provisions under Sections 61 and 51 of the said Act. According to Mr. Roy, deduction of pay on account of payment of maintenance to the wife of a service holder, can only be done by the Central Government through Secretary to the Ministry of Home Affairs or any prescribed officer. With reference to the impugned order dated October 08, 2021, Mr. Roy has submitted that Commandant 36 Battalion SSB Geyzing who has issued the said order is, however, not authorized to do so, as the Act or the Rules or any executive order do not provide the Commandant to be the “prescribed officer” for the purpose. Therefore, according to the petitioner, the punitive order against him has been issued by an officer incompetent to do so, raising question as regards the validity of the order itself.
- 17.** Further on merits, Mr. Roy learned advocate for the writ petitioner has submitted that similar complaint was lodged against the petitioner at his earlier posting and hearing was done about the same by an officer higher in rank than a Commandant. On the contrary the impugned order dated October 08, 2021, has been issued by an officer of inferior rank. That, the order of an officer of inferior rank cannot have the effect of superseding or overriding an earlier order passed by an officer, superior in rank. It is submitted that with the earlier order of the superior officer, the complaint was set at rest, after issuance of the office memorandum against the petitioner dated February 15, 2019. Therefore, on the similar complaint, an officer lower in rank was not competent enough to pass some other order against the writ petitioner when the previous order vide memo dated February 15, 2019 was in vogue. Also that, in view of the proceeding held before the DIG, Special Operation, SSB, Srinagar on February 06, 2019 where the

petitioner disclosed about his marriage and police case filed by his wife against him, the allegation made out in the show-cause notice dated May 18, 2021 was baseless and unfounded.

- 18.** Finally, Mr. Roy, learned advocate for the petitioner has submitted that a maintenance proceeding is exclusively triable by a competent Court of law. The Force Court is devoid of any jurisdiction to adjudicate as whether the maintenance is payable and the extent thereof. It is also alleged that, before issuance of the order of deduction of pay on account of maintenance to be granted to the wife of the petitioner, the guidelines provided therefor by the Supreme Court in ***Rajnesh Vs. Neha*** reported in **(2021) 2 SCC 324** has never been followed or complied with. Also, that the petitioner has never been given adequate opportunity to defend his cause. The Force Court/“Court of Inquiry” only after an inquiry in the nature of preliminary enquiry, passed the orders which are not in accordance with law and adjudicated the maintenance proceeding, for which it was not competent to do so.
- 19.** For the reasons as above, according to Mr. Roy appearing for the petitioner, the order dated October 08, 2021 by the respondent authority in a “Court of Inquiry” is liable to be quashed and set aside.
- 20.** Mr. Debapriya Gupta has represented the respondent authority. So far as the fact of the petitioner’s appointment with the respondent in the post of Constable (General Duty) and his continuous engagement since therefrom, the respondent has admitted those facts. The respondent has mentioned about several complaint letters addressed to it by the wife of the petitioner alleging physical and mental torture and non-performance of marital responsibilities by the petitioner towards his wife. The respondent has conceded to the fact that a memorandum of advice was issued to the petitioner dated February 15, 2019 inter alia advising him to mitigate his family disputes at appropriate level. It

is also an admitted fact that at the time of hearing before the DIG, Sector Headquarter, Special Operation, SSB, Srinagar the petitioner revealed about the fact of his marriage and an FIR having been lodged against him by his wife. Still according to the respondent authority, the petitioner has fraudulently suppressed his marital status and the fact of pendency of FIR against him.

- 21.** This has caused the respondent authority to issue a show-cause notice against the writ petitioner dated May 18, 2021. His reply having been found as unsatisfactory, the respondent authority convened a “Court of Inquiry”. It is submitted that the respondent is authorized to convene a “Court of Inquiry” against the petitioner being its employee as per Chapter XIV, Rule 176 of the SSB Rules, 2009, to inquire into any disciplinary matter or any other matter of importance. So far as the petitioner’s allegation regarding alleged incompetency of the “Court of Inquiry” to try and adjudicate dispute relating to maintenance is concerned, the respondent has answered the same to be baseless for the reasons as stated above. It is also submitted that the “Court of Inquiry” functioned in due compliance with the principles of natural justice when the parties were given opportunity to cross-examine each other, though the petitioner declined to cross-examine his wife. It is submitted that, in spite of granting opportunity, the petitioner has not produced any supporting document in his defence.
- 22.** Therefore, so far as the very constitution of “Court of Inquiry” as well as it is functioning according to the respondent, the allegation of any illegality or lack of authority of the said forum has been denied and disputed by the respondent authority.
- 23.** Rule 177 of the SSB Rules, 2009 has been referred to thereafter to submit that the same authorizes the competent authority to pass an appropriate order on the basis of the records and findings of the “Court of Inquiry”. It is submitted further that, the issue of alleged suppression of fact of marriage and pendency of a criminal

case against a service holder was a serious matter of enough importance. Therefore, in terms of Rule 176 and 177 of the SSB Rules, 2009, the “Court of Inquiry” was duly authorized and empowered under the law to impose punitive measures against the petitioner as it thought fit and proper.

- 24.** The petitioner’s grievance of alleged non-supply of relevant records to him is stated not to be supported by the pleadings in the instant writ petition. Mr. Gupta has indicated that from the pleadings of the writ petition no grievance of the writ petitioner is evident regarding the alleged non-supply of relevant records.
- 25.** It has been further brought to the notice of the Court that in the proceeding before the security Force Court for an offence under Section 24 (e) of the SSB Act, 2009 the petitioner himself has pleaded guilty to the charges framed against him. That apart, in the same “Record of Proceeding” under Rule 45 of the SSB Rules, 2009 was drawn up. Mr. Gupta has submitted that after pleading guilty before the security Force Court, the petitioner is now estopped and precluded from raising any plea as regards non-maintainability of the proceeding before security Force Court and/or from challenging the veracity of the proceeding therein.
- 26.** With reference to the provision under Section 61 of the SSB Act, 2009, the respondent has contended that the Commandant being the competent officer of the Central Government as prescribed under the Act is empowered to order for an appropriate amount to be paid to the wife of a service holder as maintenance. That, in terms of the factual background of the instant case, an order for deduction of 30 per cent of salary of the petitioner is absolutely proportionate particularly when there is no contrary evidence to the fact that the wife has no independent income of herself. Therefore, according to the respondent on all scores, the order of the “Court of Inquiry” amounts to be within the four corners of law and the challenge thrown against the same by the writ petitioner is

unfounded and baseless. Hence, according to the petitioner, the said order may not be interfered into by this Court.

27. With reference to the judgment of the Supreme Court ***State of Uttar Pradesh and Another Vs. Devendra Kumar*** reported in ***2022 SCC OnLine 567***, it has been submitted that as per the well-settled law on date, there is no scope of interference by this Court while exercising power under Article 226 of the Constitution of India when there has been no violation of natural justice or statutory Rules and the Court in that case has no scope of appreciating or re-appreciating the evidence on record.
28. The records of the case reveal that the challenge thrown by the writ petitioner to the impugned order dated October 08, 2021 is devoid of merit both on facts and in law. The materials placed before this Court demonstrate that repeated complaints were received from the wife of the petitioner alleging harassment, neglect and non-payment of maintenance. The respondent authority, being part of a disciplined force, was justified in taking cognizance of such allegations particularly when the petitioner admittedly failed to record his marriage in the service book and also failed to duly disclose the pendency of the criminal proceeding arising out of Memari P.S. Case No. 621 of 2018 before the competent departmental authority in the prescribed manner. Mere disclosure during an earlier interaction before the DIG, Srinagar cannot absolve the petitioner from his continuing obligation under the service discipline to formally disclose material facts having bearing upon his service career.
29. The present proceedings have arisen with respect to fresh complaint filed by the wife which depicts continuing disregard of marital obligations by the writ petitioner. Therefore, the earlier order does not bind the respondent as a final determination of the complaint against the petitioner as a member of the force, not to take up any action against him, within the purview of the law. The

matter pertains to the discipline of the Force. The respondent authority, therefore, rightly considered the issue to be a matter of disciplinary importance warranting departmental scrutiny.

30. The contention of the petitioner that the “Court of Inquiry” lacked jurisdiction is also not acceptable. Rule 176 of the SSB Rules, 2009 expressly authorizes convening of a Court of Inquiry in relation to any disciplinary matter or any matter of importance affecting the Force. The allegations against the petitioner concerning suppression of marital status, pendency of criminal proceedings and neglect towards his legally wedded wife were clearly matters affecting discipline and conduct expected from a member of a uniformed force. The Court of Inquiry did not adjudicate any matrimonial dispute in the strict sense nor did it assume the role of a civil or criminal court exercising jurisdiction under the maintenance laws. The inquiry was conducted only to examine whether the conduct of the petitioner was unbecoming of a member of the Force and whether interim administrative measures were required in the peculiar facts of the case. Hence, the argument regarding complete lack of jurisdiction of the respondent authority cannot be sustained.

31. It is not a fact that stoppage or deduction of pay and allowances of members of the Force is something unknown to the law which governs them. In this regard one may have reference to section 51, 56 and 61 of the statute, which allow stoppage or deduction of pay, due to circumstances as mentioned therein. The authority cannot be denuded from the discretionary power vested on it by the statute, in a case which, in its opinion seeks due exercise of the said power. The Court while exercising power of judicial review should not act as a Court of appeal but is duty bound to assess whether the authority has acted within the four corners of law and considered materials available to it and also whether the process undertaken by it has been justified on the anvil of reasonability,

rationality and non-arbitrariness. These well settled legal principles when applied to the facts of the present case, prompt the Court only to find nothing adverse as against the respondent authority.

- 32.** It also requires to be clarified that the amount directed to be remitted by the respondent authority in favour of the wife of the petitioner cannot be equated in strict legal sense with “maintenance” as contemplated under the criminal law or civil law regimes governing matrimonial disputes. The impugned direction was not passed upon adjudication of competing matrimonial rights of the parties as would ordinarily be undertaken by a competent civil court or a court exercising jurisdiction under Section 125 of the Code of Criminal Procedure or other personal laws. Rather, the same appears to have been conceived as an administrative and disciplinary coping mechanism within the framework of the Force to address allegations of misconduct and neglect on the part of a member of a disciplined uniformed service. The object behind such direction is not determination of final civil liabilities between spouses but preservation of discipline, responsibility and probity expected from personnel of the Force, particularly where allegations of abandonment and failure to discharge basic familial obligations are brought to the notice of the departmental authorities. Therefore, the impugned action has to be viewed in the limited context of service discipline and administrative control, as a coping mechanism within the frame work of the law relating to the Force to deal with any alleged act of indiscipline and not as a final adjudication of maintenance rights under ordinary civil or criminal law.
- 33.** This Court further finds no substance in the allegation of violation of principles of natural justice. The records disclose that the petitioner was issued show-cause notice, was informed about the allegations levelled against him and was granted opportunity to

participate in the inquiry proceeding. The respondent has specifically stated that opportunity was given to the petitioner to cross-examine his wife and adduce evidence in support of his defence, which he failed to effectively utilize. Mere allegation of non-supply of documents, without establishing specific prejudice caused thereby, cannot invalidate the proceeding. More importantly, the petitioner has not challenged the subsequent summary trial proceeding wherein he admittedly pleaded guilty to the charge under Section 24(e) of the SSB Act, 2007. Such admission of guilt substantially fortifies the conclusion arrived at by the respondent authority regarding misconduct and disentitles the petitioner from questioning the factual foundation of the impugned action. In this regard the three judgments referred to by the writ petitioner therefore bears no relevance so far as the present case is concerned.

- 34.** The submission that the Commandant was incompetent to direct deduction of 30 per cent salary is equally untenable. Section 61 of the SSB Act empowers the competent authority to make appropriate deductions from the pay of a member of the Force for maintenance of his wife. In the absence of any material demonstrating that the Commandant lacked authorization under the statutory framework or departmental delegation, the presumption of regularity attached to official acts must operate in favour of the respondent authority. The deduction directed is also not shown to be arbitrary or shockingly disproportionate. On the contrary, considering that the petitioner's wife was allegedly without independent source of income and the petitioner had failed to discharge his marital obligations, the direction for remittance of part of the salary towards maintenance appears to be a reasonable administrative measure pending adjudication by a competent court, if any.

- 35.** Reliance placed by the petitioner upon the decision in *Rajnesh v. Neha* is misplaced inasmuch as the respondent authority did not finally determine the matrimonial rights of the parties but merely passed an interim administrative order within the framework of service discipline and welfare obligations. Likewise, the judgments concerning supply of inquiry reports in disciplinary proceedings do not advance the petitioner's case in the facts at hand, particularly when no prejudice has been established and the petitioner himself accepted guilt in the subsequent disciplinary process.
- 36.** In exercise of jurisdiction under Article 226 of the Constitution of India, this Court does not sit as an appellate authority over departmental proceedings. Unless the decision-making process is shown to suffer from patent illegality, procedural impropriety or perversity, interference is unwarranted. The impugned action appears to have been taken after following the prescribed procedure and upon consideration of relevant materials. No mala fide, arbitrariness or jurisdictional error has been demonstrated by the petitioner. Accordingly, this Court finds no reason to interfere with the impugned order dated October 08, 2021 passed by the respondent authority, and the writ petition is liable to be dismissed.
- 37.** This Court is also conscious of the settled principle that judicial review over decisions taken by authorities of a disciplined uniformed force is inherently limited. Members of such forces are governed not merely by ordinary standards of employment but by a heightened code of discipline, integrity and accountability essential for maintaining organizational efficiency and public confidence. The competent authorities entrusted with administration of such forces possess special expertise and institutional understanding in matters concerning discipline and conduct of personnel. Therefore, unless the decision-making process is shown to suffer from palpable arbitrariness, manifest

illegality, mala fide exercise of power or gross violation of statutory safeguards and principles of natural justice, Constitutional Courts ought not to interfere at every drop of a hat with administrative measures taken by such authorities. Excessive judicial interference in routine disciplinary or administrative matters may have the unintended effect of undermining discipline, command structure and operational efficacy of the force. In the present case, no such patent infirmity or perversity has been demonstrated so as to warrant interference by this Court in exercise of its writ jurisdiction under Article 226 of the Constitution of India.

- 38.** The entire discussions as above culminates into the obvious finding by this Court that the impugned order dated October 8, 2021, suffers from no illegality or impropriety to warrant any interference by this Court.
- 39.** Hence, the writ petition No. WPA 1810 of 2021 stands dismissed.
- 40.** Urgent certified copy of this judgment, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)