

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

W.P.A. 9037 of 2011

Laljee Prasad

-Vs-

Union of India & Ors.

For the Petitioner	: Mr. Achin Kumar Majumder
For the Respondents	: Mr. Sukumar Bhattacharyya Ms. Ranjana Chatterjee
Heard on	: 06.02.2025, 03.03.2025, 11.09.2025
Judgment on	: 02.02.2026
Uploaded on	: 06.02.2026

Ananya Bandyopadhyay, J.:-

1. The petitioner serving as a Constable of the Railway Protection Force under the Eastern Railway and posted at the RPF Post. T.E. Coy, Malda narrates the trajectory of the disciplinary proceedings initiated against him as one marked by haste, preconception and then erosion of the very safeguards that the law enshrines for ensuring fairness in administrative action. The proceedings spanning the period from 30th August, 2008 to 6th April, 2010, according to him reveal a disturbing pattern in which statutory mandates and elementary principles of natural justice have stood compromised at every decisive stage.
2. The petitioner recounted on 30.08.2008 he was placed under suspension on the premise of contemplated departmental proceedings, a suspension which was subsequently revoked on 30.09.2008. Almost simultaneously

on 06.09.2008 with a purported charge-sheet was issued alleging he in concert with other RPF Personal had extracted Rs.5,000/- from travelling passengers, an incident set to have triggered agitation and disruption of train movement. The petitioner asserted even at that juncture the Disciplinary Authority had disclosed a biased and predetermined mind, as the charge sheet was accompanied by the announcement of the Enquiry Officer and the fixation of the enquiry date without granting him the foundational right to tender his reply. Such conduct, in his view, was not merely irregular but a grave departure from fairness portraying the authority had already reached a preconceived conclusion of guilt.

3. The petitioner emphasized the language employed by the Disciplinary Authority at the time of framing charges particularly the reference to his “suspicious manner” in relation to G.R.P.S. Malda Case No.23 of 2008 betrayed a premature and impermissible adjudication of culpability. A disciplinary process that commenced with such pre judgment, the petitioner submitted, stood shorn of neutrality from its inception.
4. The petitioner further stated the enquiry initiated under the stewardship of A. K. Singh, Inspector T.E. Coy Malda Town, unfolded in a manner wholly inconsistent with the expected standard of an impartial quasi judicial proceeding.
5. During the enquiry, six prosecution witnesses were examined and sixteen documents were exhibited. The petitioner averred that fourteen documents were never furnished to him prior to its use in evidence thereby crippling his opportunity to respond meaningfully and prepare an effective defence.

6. The petitioner had submitted his comprehensive written defence on 27.05.2009, drawing attention to several illegalities embedded in the conduct of the enquiry. However he asserted his defence was never considered in its true spirit. The enquiry officer according to the petitioner abandoned the mantle of neutrality and descended into the arena of prosecution engaging in searching cross examination of his own weaknesses and relying upon conjecture, extraneous considerations and his personal beliefs rather than the evidentiary record. The findings dated 22.07.2009 as contended were perverse, speculative and demonstrably tainted with bias.
7. The petitioner was there after served with a second show-cause notice dated 24.07.2009, which in the submission was issued in a manner reflective of predetermined bias as the Disciplinary Authority had already reached the conclusion that the petitioner was guilty, proposing the penalty of withholding his next increment of three years with cumulative effect. He submitted a detailed reply on 03.08.2009 yet the Disciplinary Authority by Order dated 17.08.2009 imposed the very punishment so proposed without discussing and analysing or even acknowledging the petitioner's explanation. The petitioner averred the aforesaid Order stood further vitiated by the introduction of fresh grounds which did not feature in the charge-sheet, revealing an evident attempt to sustain the penalty irrespective of the merits. The concluding observations recorded by the Disciplinary Authority such as the petitioner's "shameful behavior" causing loss of punctuality of train and bad name of the force are alleged to be entirely at variance with the original charge and unsupported by the material on record.

8. Aggrieved, the petitioner preferred a Statutory Appeal, meticulously detailing the procedural improprieties, the denial of copies of fourteen essential documents, the disregard of his defence and the manifest bias pervading the enquiry. The Appellate Authority however by its Order dated 06.04.2010 dismissed the appeal without advertng to a single ground raised there in. The petitioner contended the Order of the Appellate Authority did not conform to Rule 217.3 of the RPF Rules 1987 which obligated the authority to assign reasons. The perfunctory imposition of punishment, devoid of reasoning or engagement with the record was described by the petitioner as the culmination of a process characterised by non application of mind and administrative indifference.
9. The mosaic of events as narrated by the petitioner revealed during the period under scrutiny, one suspension order, one charge-sheet, one defence statement, six prosecution witnesses, sixteen documents including fourteen undisclosed documents, one second show-cause one punishment order and one Appellate Order came into existence. Yet at no stage according to him was the petitioner afforded a fair, unbiased or recent consideration of his case.
10. Thus, the petitioner urged the entire disciplinary mechanism from the issuance of charge-sheet on 06.09.2008 to the Appellate Order dated 06.04.2010 stood vitiated for want of procedural propriety, statutory adherence, reasoned discipline making and neutrality. The proceedings as submitted were unsustainable in law and warranted interference. The petitioner therefore contended all impugned actions were liable to be quashed for being arbitrary, unreasonable and bereft of procedural fairness, statutory compliance or judicial balance.

11. Learned Counsel for the petitioner submitted the departmental proceedings initiated against the petitioner on the basis of the Memorandum of Charge dated 06.09.2008 vitiated from inception, as a Disciplinary Authority while framing the charge-sheet acted with a preconceived and biased mind. It was urged, the Disciplinary Authority even before affording the petitioner an opportunity to submit his reply appointed Shri A. K. Singh, Inspector, Malda Town as the Enquiry Officer and fixed the date of inquiry straightaway. Such conduct, it had been submitted, rendered the proceedings fundamentally unfair and demonstrated predetermination of guilt which was impermissible in law. Reliance was placed upon the prejudicial language employed in the Article of Charge wherein the petitioners conduct was described as “suspicious” thereby disclosing a closed mind and tainting the procedural integrity of the enquiry.
12. It was further submitted during the enquiry fourteen additional documents relied upon by the prosecution were never supplied to the petitioner prior to the commencement of the enquiry. The petitioner was thus deprived of the basic right to inspect the materials intended to be used against him disabling him from preparing an effective defence. Although the petitioner submitted a detailed written defence on 27.05.2009 the Enquiry Officer in his finding stated 22.07.2009 failed to consider any of the points raised therein. It was further submitted that the findings were not based on evidence but on conjecture, extraneous reasoning and personal opinion rendering the report perverse and unsustainable.

13. It was further contended that the Enquiry Officer transgressed the limits of his quasi judicial authority by assuming the dual role of prosecutor and investigator. Instead of acting as an independent adjudicator the Enquiry Officer engaged in searching cross-examination of the prosecution witnesses and elicited responses with the object of proving the charge against the petitioner. Such impropriety it was submitted vitiated the enquiry in its entirety as recognised by the Hon'ble Supreme Court in *Anil Kumar Vs. Presiding Officer & Ors.* (AIR 1985 SC121) and *Allahabad Bank Vs. Pranab Kumar Mukherjee* [1992 (7) SLR 51] where it was held an Enquiry Officer could not combine roles of Prosecutor and Judge without offending the principles of natural justice.
14. It was further submitted the purported show-cause notice dated 24.07.2009 was issued after the Disciplinary Authority had already concluded that the petitioner was guilty. The notice according to the petitioner bore the print of a predetermined mind. Despite the petitioner's reply dated 03.08.2009, the Disciplinary Authority by the impugned order dated 17.08.2009 imposed the penalty of withholding the next increment for three years with cumulative effect without considering the reply and by introducing new allegations, wholly beyond the scope of the original charge-sheet. In doing so, the Disciplinary Authority travelled beyond the charge and pronounced the punishment upon grounds never alleged against the petitioner thereby violating the principles laid down in *Oryx Fisheries Private Limited Vs. Union of India & Ors.* (2010 Volume-13 SCC 427).
15. The Learned Counsel representing the petitioner submitted the statutory appeal preferred by the petitioner was rejected by the Appellate Authority

by Order dated 06.04.2010 without adverting to a single ground of appeal and without assigning any reasons. Such non-application of mind it was argued constituted a direct violation of Rule 217.3 of the RPF Rules 1987 which mandated a reasoned and objective consideration by the Appellate Authority. The appellate decision being a mechanical affirmation of the punishment was therefore vitiated in law.

16. Placing reliance on judicial precedence including *R.P. Bhatt Vs. union of India & Ors.* (AIR 1986 SC 1040), *Ram Chander Vs. Union of India* (1173 Paragraph 4, 5, 6), *State of Punjab Vs. Vaktiar Singh* (1972 SLR 85) and the unreported judgements cited in the written notes, the Learned Counsel for the petitioner submitted that the cumulative effect of the procedural irregularities, non-supply of documents, introduction of new allegations, prejudicial language of the Disciplinary Authority and absence of reasoned orders at both stages rendered the entire disciplinary proceedings illegal, arbitrary and violative of natural justice.
17. Accordingly it was submitted the Memorandum of Charge dated 06.09.2008, the Enquiry Report dated 22.07.2009, the second show-cause notice dated 24.07.2009, the Order of punishment dated 17.08.2009 and the Appellate Order dated 06.04.2010 deserved to be set aside.
18. The Learned Counsel representing the respondents submitted the writ petition was wholly devoid of merit and the disciplinary proceedings assailed by the petitioner were conducted strictly in accordance with the Railway Protection Force Rules, 1987. It was urged the petitioner sought to take advantage of alleged procedural infirmities which did not exist at the relevant time and which in any event was never raised before the

competent authorities during the enquiry or at the appellate stage wherein the petitioner had offered himself to be subjected to.

19. It was contended Rule 153 of the RPF rules 1987 did not mandate the grant of an opportunity to reply to the charge sheet. The scheme of the Rules, the Learned Counsel argued contemplated that the delinquent was provided with the findings of the enquiry officer upon completion of the enquiry where after he might submit his representation within the time stipulated. Therefore, the petitioner's claim that he was denied an opportunity to respond to the charge sheet was itself misconceived and contrary to the statutory framework.
20. It was further submitted the petitioner was afforded full opportunity to participate in every stage of the departmental proceedings. He cross-examined the witnesses, was supplied with the enquiry report, filed his representation and never raised any objection regarding alleged infirmities. The petitioner having actively participated in the proceedings without protest cannot now at this distant point of time challenge the validity of Rule 153 or the procedure which he willingly subjected himself to. Annexure R1 - Pages 11 to 17 demonstrated that the petitioner raised no grievance whatsoever during the enquiry.
21. It was argued the charges against the petitioner pertaining to his involvement, along with 3 other RPF personnel in collecting Rs.5,000/- from passengers who boarded the Down Kamrup Express thereby causing public agitation and disruption of train movement at Ajimganj Railway Station was duly established in the departmental proceedings. The Enquiry Officer held the petitioner guilty of charges and the Disciplinary Authority upon an independent appraisal of the evidence and the

petitioner's representation impose the penalty of withholding the next increment for three years with cumulative effect by Order dated 17.08.2009.

22. The Learned Counsel representing the respondent further submitted there was no infirmity in the manner of framing charges. The Disciplinary Authority, before framing charges, noted the petitioner's suspicious conduct in relation to G.R.P.S. Malda Case No.23 of 2008 dated 31.08.2008 which was a matter of record. Such reference it was argued did not amount to pre judgment but merely reflected the contextual background against which the Administrative Authority exercised its disciplinary jurisdiction.
23. Assailing the petitioner's attack on the Enquiry Report dated 22.07.2009 the Learned Counsel for the respondent submitted, the findings of the Enquiry Officer were based on material or deduced in the course of the enquiry. Allegations of extraneous consideration conjecture or impermissible cross-examination were denied and it was urged the Enquiry Officer acted strictly within the bounds of his authority. The respondents contended the petitioner failed to demonstrate any prejudice suffered by him due to the alleged non supply of documents and the plea of prejudice was neither raised contemporaneously or substantiated at any stage.
24. It was further argued that the Appellate Authority's Order dated 06.04.2010 affirming the punishment suffered from no legal infirmity. The Appellate Authority being the Chief Secretary Commissioner, RPF Eastern Railway Kolkata duly considered the matter and upheld the penalty after satisfying itself as to the correctness of the Disciplinary findings. The

petitioners plea that the Appellate Order violated Rule 217.3 of the RPF Rules, 1987 was denied and it was argued the Order reflected due consideration.

25. The Learned Advocate representing the respondents relied on the judgments reported in *1996 SCC (L and S, pg-80) B.C Chaturvedi Vs. UOI and Ors.*, *2022 LiveLaw (SC) 244 – UOI and Ors. Vs. Managobindo Samantaray* to submit, the scope of judicial review in disciplinary matters was limited and that the High Court should not interfere with findings of fact arrived at in a duly constituted enquiry nor with the punishment unless it was shockingly disproportionate.
26. Finally it was submitted, discipline constituted the backbone of a protective force and no latitude may be shown in matters involving misconduct by personal entrusted with safeguarding passengers. The penalty imposed is proportionate, rational and necessitated by the gravity of the petitioner's conduct. The write petition it was urged as an afterthought founded on misleading and improperly annexed documents and was liable to be dismissed with costs.
27. In the present case the charge-sheet dated 06.09.2008 does not merely commence the process, it colours it with a predetermined conclusion. The simultaneous appointment of the enquiry officer on fixation of the date of enquiry even before the petitioner was afforded a reasonable opportunity to tender his reply are signals of a prejudged disposition, inconsistent with the dispassionate consideration expected of a Disciplinary Authority. The text of the charge-sheet itself by pronouncing upon the petitioner's suspicious manner regrettably manifests a closed mind. The inception of the proceeding thus stands tainted by a foundational infirmity that

cannot be brushed aside as trivial or inconsequential. The inquiry that followed does not inspire confidence. The record revealed that six prosecution witnesses were examined and sixteen documents were relied upon, of which fourteen crucial documents were admittedly never furnished to the petitioner. A delinquent cannot be expected to defend himself against shadows. Procedural fairness demands that he be placed in full position of the material intended to be used against him failure to furnish such material vitiates not merely his defence it undo it undermines the legitimacy of the entire exercise. The complainant of the incident was not examined.

28. This Court also finds merit in the petitioner's grievance that the enquiry officer transgressed the boundary of neutrality by assuming an inquisitorial posture, engaging in searching cross examination of prosecution witnesses and relying upon conjecture and personal impressions. The enquiry officer mingled the distinct roles of adjudicator, investigator and prosecutor. Such a conflation is incompatible with the discipline of impartial inquiry that the law expects of a quasi judicial authority. The finding dated 22.07.2009 based on surmise, extraneous considerations and incomplete disclosure of evidence cannot withstand judicial scrutiny.

29. The Order dated 17.08.2009 imposing the penalty of withholding the next increment for 3 years with cumulative effect fails no better. It travels beyond the confines of the charge sheet and introduces adverse observations wholly unconnected with the original allegations. The Disciplinary Authority appears not to have engaged with the petitioner's representation dated 03.08.2009 in any meaningful manner. The absence

of reasoned consideration reflects not merely non application of mind but a mechanical endorsement of the enquiry findings thereby denuding the order of its judicial integrity.

30. Equally disquieting is the Appellate Order dated 06.04.2010. A statutory appeal is not a perfunctory ritual, it is a substantive statutory safeguard intended to rectify errors, re-evaluate reasoning and provide corrective oversight. The Order impugned however bears neither analysis nor reasoning. It fails to consider any of the grounds raised by the petitioner and does not conform to the mandate of Rule 217.3 of the RPF Rules 1987. The absence of engagement with the petitioner's substantive grounds renders the Appellate Order vulnerable to invalidation.
31. The cumulative effect of these infirmities, prejudgment at the stage of charge-sheet, non-furnishing of documents, compromise neutrality of the enquiry non-application of mind in imposing punishment under reason less appellate affirmation compels the Court to hold that the foundational pillars of natural justice were eroded at every material stage, no disciplinary action however grave the allegation can be sustained on such compromise substrate.
32. The relevant rules of the Railway Protection Force Rules, 1987, *inter alia*, stated as follows:-

“153. Procedure for imposing major punishments:-

...

153.2.1. *Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against an enrolled member of the Force, it may itself inquire into, or appoint an Inquiry Officer higher in rank to the*

enrolled member charged but not below the rank of Inspector, or institute a Court of Inquiry to inquire into the truth thereof.

153.2.2. Where the disciplinary authority itself holds the inquiry, any reference to the Inquiry Officer in these rules shall be construed as a reference to the disciplinary authority.

153.3. On receipt of complaint or otherwise, the disciplinary authority on going through the facts alleged or brought out shall decide whether it is a case for major or minor punishment. No attempt shall be made to convert cases punishable under section 16 A or section 17 into disciplinary cases nor divert cases in respect of which major punishments are imposable to the category of cases where minor or petty punishments are imposable.

153.4. Where it is proposed to hold an inquiry against an enrolled member of the Force under this rule, the disciplinary authority may order that the enrolled member shall not be transferred to any other place nor given leave without its written permission till the conclusion of the disciplinary proceedings, and the disciplinary authority shall draw up or cause to be drawn up –

(a) the substance of the imputations of misconduct or misbehavior into definite and distinct articles of charge;

(b) a statement of the imputations of misconduct or misbehaviour in support of each article of charge which shall contain,-

(i) a statement of all relevant facts including any admission or confession made by the enrolled member of the Force, and

(ii) a list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained.

...

153.13. Documentary exhibits, if any, are to be numbered while being presented by the concerned witness and reference of the number shall be noted in the statement of the witness. Such documents may be admitted in evidence as exhibits without being formally proved unless the party charged does not admit the genuineness of such a document and wishes to cross-examine the witness who is purported to have signed it. Copies of the exhibits

may be given to the party charged on demand except in the case of voluminous documents, where the party charged may be allowed to inspect the same in the presence of Inquiry Officer and take notes.

...

217. Consideration of appeals :-

217.1. While considering the appeal, the appellate authority may, on request, grant personal hearing to the aggrieved enrolled member of the Force in case it considers it in the interest of administration and justice.

217.2. In the case of an appeal against an order of suspension, the appellate authority shall consider whether, in the light of the provisions of rules 134 and 135 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.

217.3. In the case of an appeal against an order imposing any of the punishments specified in rules 148 or 149 or enhancing any penalty imposed under the said rules the appellate authority shall consider:-

(a) whether the procedure prescribed in these rules has been complied with, and if not, whether such non-compliance has resulted in violation of any constitutional provisions or in miscarriage of justice;

(b) whether the findings are warranted and based on evidence on record; and

(c) whether the punishment or the enhanced punishment imposed is adequate or inadequate or severe and pass speaking orders for-

(i) setting aside, confirming, reducing or enhancing the punishment, or

(ii) remitting the case to the authority which imposed or enhanced the punishment or to any other authority with such directions as it may deem fit in the circumstances of the case:

Provided that –

(i) no order imposing an enhanced punishment shall be passed unless the appellant is given an opportunity of making any

representation which he may wish to make against such enhanced punishment; and

(ii) if the enhanced punishment, which the appellate authority purposes to impose, is one of the punishments specified in clause (a) to (d) of rule 148.2 and an inquiry under rule 153 has not already been held in the case, the appellate authority shall, subject to the provisions of rule 153 itself hold such inquiry or direct that such inquiry be held and thereafter on a consideration of the proceedings of such inquiry pass such orders as it may deem fit.

...

219.4. *Any authority superior to the authority making the original order may, on its own motion, or otherwise, call for the records of any inquiry and revise any order made under these rules and may:-*

(a) confirm, modify or set aside the order; or

(b) confirm, enhance, reduce or set aside the punishment imposed by the order, or impose any punishment where no punishment has been imposed; or

(c) remit the case to the authority which made the order or to any other authority directing such authority to make such further inquiry as it may consider proper in the circumstances of the case; or

(d) pass such other orders as it may deem fit:

Provided that no action under this sub-rule shall be initiated after the expiry of one year from the date of the order aforesaid:

Provided further that no proceeding for revision shall be commenced until after-

(i) the expiry of the period for making an appeal specified in subsection (2) of section 9 ; or

(ii) the disposal of the appeal, where any such appeal has been preferred :

Provided further that in a case in which it is proposed to enhance punishment further, the aggrieved member shall be given an

opportunity to show cause either orally or in writing as to why his punishment should not be enhanced.”

33. Rule 153.2.1 mandates that the Disciplinary Authority must first reach an informed satisfaction that there exists grounds sufficient to enquire into the truth of an imputation of misconduct or misbehaviour. Such satisfaction is neither mechanical nor perfunctory; it demands the authority's application of mind to the facts placed before it. This foundational step is not merely procedural but jurisdictional. It confers legitimacy to the subsequent stages of enquiry.
34. In absence of this *prima facie* determination, the initiation of a disciplinary enquiry stands vitiated. Rule 153.3 reinforces the above mandate by requiring Disciplinary Authority, “on receipt of complaint or otherwise, to go through the facts alleged or brought out” and to decide whether the case warrants major or minor punishment or no punishment at all.
35. This Rule unmistakably implies that the authority must before invoking the machinery of Rule 153.4 call upon the concerned employee for his primary explanation thereby enabling the authority to (a) clarify ambiguities, (b) ascertain whether the allegations are baseless or misconceived and (c) determine the true nature and gravity of the charge.
36. Such preliminary explanation is not only logical but constitutionally imperative, for it aligns with the broader principles of natural justice, particularly the right to be apprised and heard at the threshold, even before the formal draw-up of articles of charge.
37. Rule 153.4 provides that not only after it is “proposed to hold an enquiry” a proposal that can arise only upon concluding the preliminary

examination and considering the employee's initial explanation, may the Disciplinary Authority "(a) draw up definite and distinct articles of charge and (b) frame a statement of imputations in support thereof".

38. The language of the Rule is unequivocally sequential, i.e., the proposal precedes charge and the charge cannot precede the preliminary determination. This statutory sequencing demonstrates the Rules do not permit the Disciplinary Authority to precipitously plunge into a formal enquiry without affording the employee a fair opportunity to clarify or dispel the allegations.
39. When the Rules are read conjointly, the cumulative purport is conspicuous: (a) the Disciplinary Authority must evaluate the allegations, (b) must obtain the employee's preliminary version, (c) must determine whether the facts justify initiation of proceedings and (d) only thereafter may formal disciplinary action be contemplated.
40. This phased structure is not ornamental. It is a substantive safeguard designed to prevent arbitrary or premature invocation of major penalty proceedings.
41. It ensures that a disciplinary action is a reasoned decision in an impulsive reaction. Therefore, before initiating any enquiry, the Disciplinary Authority is mandated to take a considered decision grounded in preliminary scrutiny of facts and the employee's primary explanation as can be inferred from the intent and purport of Rule 153 of the Railway Protection Force Rules, 1987.

42. In **S. Janaki Iyer v. Union of India & Ors.**¹, the Hon'ble Supreme Court held as follows:-

"... 20. The principles of natural justice are founded on three fundamental rules that ensure fairness in legal and administrative proceedings. Firstly, the Hearing Rule (Audi Alteram Partem) which mandates that no person should be judged without being given a fair opportunity to present his case. Secondly, the Bias Rule (Nemo Judex in Causa Sua) which asserts that no one should act as a judge in its own case, thereby safeguarding impartiality and preventing any form of bias. Lastly, the principle of Reasoned Decision, also known as Speaking Orders, requires every decision to be supported by valid and clearly stated reasons to promote transparency and accountability in the decision-making process."

43. In **State of Punjab v. V. K. Khanna & Ors.**², the Hon'ble Supreme Court held as follows:-

"... 33. While it is true that justifiability of the charges at the stage of initiating a disciplinary proceeding cannot possibly be delved into by any court pending inquiry but it is equally well settled that in the event there is an element of malice or mala fide, motive involved in the matter of issue of a charge-sheet or the authority concerned is so biased that the inquiry would be a mere farcical show and the conclusions are well known then and in that event law courts are otherwise justified in interfering at the earliest stage so as to avoid the harassment and humiliation of a public official. It is not a question of shielding any misdeed that the Court would be anxious to do, it is the due process of law which should permeate in the society and in the event of there being any affectation of such process of law that law courts ought to rise up to the occasion and the High Court, in the contextual facts, has delved into the issue on that score. On the basis of the findings no exception can be taken and that has been the precise

¹ 2025 INSC 742

² (2001) 2 SCC 330

reason as to why this Court dealt with the issue in so great a detail so as to examine the judicial propriety at this stage of the proceedings.”

44. In the instant case, the aforesaid criteria as observed by this Court had not been followed and on the issuance of the charge-sheet, the Enquiry Officer was appointed by name and the next date of commencement of the enquiry was also fixed. It aptly exhibited the biased imputation of the Disciplinary Authority to proceed with the enquiry irrespective of deciding the gravity and intensity of the misconduct whether to attract minor penalty or major penalty. The appointment of the Enquiry Officer and fixing the date of enquiry in the charge-sheet itself demonstrated the closed mind of the Disciplinary Authority to proceed with the actions without complying the inherent objective or Rule 153 as discussed above. Moreover, the proposal to conduct enquiry through definite and distinct articles of charges and statements of imputation or misconduct or misbehaviour in support of each article of charge had not been delineated. The complainant being one of the agitators had not been examined, moreover, whether the group of agitators were, in fact, the passengers of the train were also not enquired into. The documents in accordance with Rule 153.13 to have been mentioned in the charge-sheet were not supplied to the petitioner to facilitate him to present his defence case.
45. The Appellate Authority too did not endeavour to call for the reports, grant an opportunity of hearing to the petitioner by disposing of his application in appeal seeking further intervention of the Appellate Authority in view of Rule 217 and 219.4 as mentioned above. The Appellate Authority in cryptic manner.

46. The pleadings, the documentary record and the proceedings forming part of the disciplinary procedure and the rival submissions advanced with considerable industry by both sides, this Court is constrained to conclude that the edifice of departmental action initiated against the petitioner is unsustainable in law. A disciplinary proceeding though not governed by the rigours of strict rules of evidence must unfailingly adhere to the bedrock principles of fairness, neutrality and procedural propriety; these are neither ornamental ideas nor dispensable technicalities but indispensable safeguards that preserve the moral legitimacy of the Administrative Authority.
47. Accordingly, all impugned orders are quashed and set aside. The respondents shall however be at liberty to initiate fresh proceedings if they deem it appropriate, strictly in consonance with law and with unwavering adherence to safeguards of fairness, disclosure neutrality and reasoned decision making.
48. In view of the above discussions, the instant writ petition being WPA 9037 of 2011 is allowed.
49. Accordingly, the instant writ petition is disposed of.
50. There is no order as to costs.
51. Photostat certified copy of this order, if applied for, be given to the parties on priority basis on compliance of all formalities.

(Ananya Bandyopadhyay, J.)