2026:JHHC:26504

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 2731 of 2024

Manisha Purty, aged about 35 years, D/o Late Joseph Purty, now posted senior S.S.A. in the office of CMPFO, R-II Ranchi, P.O. & P.S. Ranchi, District- Ranchi, Pin-83001 **.....Petitioner**

Versus

1. Union of India through Secretary, Government of India Ministry of Coal-cum-Chairman/Board of Justice Coal mine fund provident fund organization (CMPFO) New Delhi P.O. & P.S. New Delhi, Pin-110001
2. Chairman, Board of Trusty CMPFO/Secretary, Ministry of Coal, Government of India Shastri Bhawan, P.O. & P.S. New Delhi, Pin-110001
3. The Commissioner, Coal Mines provident fund organization (CMPFO) Head Quarter Office, P.O. & P.S. Police Line Dhanbad, District- Dhanbad, Pin-826014 **.....Respondent(s)**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : Mrs. M.M. Pal, Sr. Advocate
: Mrs. Mohua Palit, Advocate
: Mrs. Manjushri Patra, Advocate
: Ms. K.M. Poonam Verma, Advocate
For the Respondents : Mr. Ravi Prakash CGC
For the Res. CMPFO : Mr. Prashant Kr. Singh, Advocate

09/ Dated: 01.09.2026

1. The instant application has been preferred by the petitioner praying therein for quashing and setting aside the order of punishment dated 13.07.2023 including the order dated 28.08.2023, whereby a major punishment of reduction to a lower stage in time scale of pay for a period of three years with immediate effect and with cumulative effect has been imposed upon the petitioner. The petitioner has further assailed the appellate order dated 15.10.2024 whereby the order of punishment has been sustained by the appellate authority.

2. At the outset, Ld. Sr. Counsel appearing on behalf of the petitioner submits that the very initiation of departmental proceeding under the provisions of CCS (CCA) Rules 1965 is bad in law as the

petitioner is an employee of Respondent-Coal Mines Provident Fund Organization *(in short CMPFO)*; and her service conditions are governed by the field of *Coal Mines Provident Fund (Staff and Conditions of Service) Regulation, 1964*.

She further submits that though the punishment has been awarded to the petitioner under the Regulation of 1964, but such punishment is not prescribed under the same regulation of 1964. Accordingly, Ld. Sr. Counsel contended that the impugned order may be quashed and set aside on the ground of jurisdiction itself.

3. Mr. Prashant Kumar Singh, learned Counsel for the Respondent-Coal Mines Provident Fund Organization fairly submits that the issue was also earlier raised in another case of this petitioner herself being *W.P.(S) No. 2801 of 2024* wherein the Writ Court after granting liberty to initiate fresh proceeding has quashed the order of punishment.

He further submits that due to series of litigation and also the same objection with regard to jurisdiction, the answering-Respondent got permission from the Central Government vide its letter dated 16.04.2024 with respect to approval of Central Government to apply relevant provision of *CCS (Conduct) Rules, 1964* and *CCS (CCA) Rules, 1965* in respect of employees of CMPFO. Accordingly, he submits that the instant application may be disposed of by granting liberty to initiate fresh proceedings against the petitioner in view of the fact that now they are having jurisdiction to proceed as per *CCS (Conduct), Rules 1964* and *CCS (CCA) Rules, 1965* in respect of all employees under CMPFO.

4. Having regard to the fair submission of Ld. Counsel representing the Respondent-CMPFO and also after verification of records including the *CMPF (Staff and Conditions of Service) Regulation, 1964*; admittedly, the proceeding in the instant case has been initiated under CCS(CCA) Rules, 1965, but when there is specific Rules concerning service condition for its employees *(Staff and Conditions of Service) Regulation, 1964*; and as per Rule 4 of Regulation 1964, it is crystal clear that the respondent-CMPFO has to initiate proceeding under CMPF Regulation itself and not under CCS(CCA) Rules, 1965; the present initiation of proceeding is bad in law on the point of jurisdiction.

5. However, during course of hearing, Ld. Counsel for the Respondent-CMPFO has placed a letter dated 16.04.2024 before this Court; and the same is taken on record. From bare perusal of the letter dated 16.04.2024, it is crystal clear that administrative approval has been taken by the CMPFO to apply relevant provision of CCS (Conduct), Rules 1964 and CCS (CCA) Rules, 1965 in respect of the employees of CMPFO.

6. In view of the above, since this aspect of the matter has not been taken care of by the appellant authority also, and simpliciter, the appellate authority has sustained the order of punishment, as such**,** the impugned order of punishment dated 13.07.2023 including the order dated 28.08.2023, and also, the appellate order dated 15.10.2024 are, hereby, quashed and set aside.

7. However, the Respondent-CMPFO would be at liberty to

initiate a fresh proceeding under CCS (CCA), Rules if so advised.

8. It goes without saying that if the Respondent-CMPFO chooses to initiate fresh proceeding, the same shall be completed within a period of 16 weeks from today; failing which the petitioner would be entitled for all monetary benefits which has not been paid to her due to the impugned order which has been quashed hereinabove. It is also made clear that in case of fresh proceedings; the petitioner shall fully co-operate in the proceedings and shall not take unnecessary adjournments.

9. Accordingly, the instant writ application stands allowed. Pending, I.A., if any, also stands closed.

(Deepak Roshan, J.)

01.09.2026

Nandini/-

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11/09/2026