IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. No. 480 of 2025

1. The State of Jharkhand
2. The Deputy Commissioner, Bokaro, P.O. & P.S.- Bokaro, District- Bokaro
3. The Additional Collector (Establishment), Bokaro, P.O. & P.S.- Bokaro, District- Bokaro
4. The Deputy Collector (Establishment), Bokaro, P.O. & P.S.- Bokaro, District- Bokaro

... Appellants

Versus

Adhirath Mahatha, Son of Late Govind Mahatha, about 55 year, resident of Village Savara, P.O. Chandra, P.S.- Chandankyari, District- Bokaro, Jharkhand

... Respondent

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANOJ PRASAD

For the Appellants: Mr Sahbaj Akhtar, AC to AAG-III
For the Respondent: Mr Amit Kumar Das, Sr. Advocate
Mrs Rinku Bhakat, Advocate

05/Dated: 30.09.2026

1. Heard Mr Sahbaj Akhtar, learned AC to AAG-III for the appellants, and Mr Amit Kumar Das, learned senior counsel, who appears along with Mrs Rinku Bhakat, learned counsel for the respondent.

2. This appeal challenges the learned Single Judge's order dated 29.08.2024 allowing respondent's W.P.(S) No. 6570 of 2023 and directing his reinstatement with all consequential benefits.

3. Mr Akhtar submitted that the order terminating the respondent's services was set aside only on the ground of breach of the principles of natural justice. He submitted that in such a situation, the matter should have been remanded to the disciplinary authority to proceed from the stage of irregularity in

accordance with law. He submitted that such a contention was precisely raised before the learned Single Judge but without giving any good reasons, this contention has been rejected and to that extent, the appellants are aggrieved.

4. Mr Akhtar submitted that the respondent secured employment based on a fraudulent certificate stating that he had passed Standard 8th, and upon detection, disciplinary proceedings were initiated against the respondent. He submitted that, in such circumstances, the disciplinary authority ought to have been given an opportunity to proceed in accordance with law, and that failing to do so warrants interference.

5. Mr Amit Kumar Das defended the impugned order based upon the reasoning reflected therein. He submitted that while it is normally true that a fresh opportunity should be given to the disciplinary authority, the facts and circumstances of the present case are so gross that, upon due consideration, the learned Single Judge rejected the plea of virtually a third opportunity to the disciplinary authority.

6. Mr Das pointed out that in an earlier round of litigation, a fresh opportunity was in fact granted to the disciplinary authority, but it was not availed of. He pointed out how in 2006, the respondent was placed under suspension until his unlawful termination in 2010. He pointed out that only in 2026 was the respondent reinstated and submitted that, to date, the consequential benefits and salaries are not being paid to him on the specious plea of pendency of this appeal.

7. Mr Akhtar submitted that once the respondent filed a contempt petition, the appellants reinstated the respondent and paid all consequential benefits.

8. The rival contentions now fall for our determination.

9. In this case, the record shows that the enquiry officer virtually exonerated the respondent after verifying the certificate of 8th pass produced by him at the time of his appointment/regularisation in 2005. Before the respondent was regularised/ appointed in 2005, the respondent had put in 16 years of service as a daily wager. The appointment/regularisation followed the issue of a due advertisement and all prescribed procedures.

10. In 2006, the respondent was suspended on the ground that there was a problem with the Standard 8th pass certificate he produced. Disciplinary proceedings followed, during which the enquiring officer exonerated the respondent. However, the disciplinary authority, without recording or communicating reasons for disagreement, dismissed the respondent.

11. The respondent then challenged his dismissal by instituting W.P.(S) No. 6064 of 2010. This petition was allowed; the termination order dated 28.09.2010 was quashed and set aside. It was further clarified that the appellants could pass a fresh order in the matter in accordance with law, after following the principles of natural justice. Thus, the opportunity that the appellants now claim was already given.

12. The above is evident from paragraphs 16 and 17 of this Court's judgment and order dated 13.10.2020 allowing respondent's

W.P.(S) No. 6064 of 2010, and therefore, their contents are transcribed below for the convenience of reference: -

> *"16. The aforesaid judgment will not be helpful for the Respondent State inasmuch as in the instant case the first enquiry was not found bad in law. As per the Respondents, the same was vague and perverse. As such, the correct procedure would have been to issue show cause notice to the petitioners indicating the grounds on which the disciplinary authority decided to disagree with the findings recorded in the departmental proceeding and then pass appropriate order but cannot appoint a fresh Inquiry Officer and take his opinion that too without any notice to the petitioners.*
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> *17. In view of the aforesaid facts and the judicial pronouncement referred to herein above, the instant writ application is allowed and the impugned orders as contained in Memo Nos. 757, 753 & 755 dated 28.09.2010 (Annexure-8 series), are hereby, quashed and set aside**. It would be open to the Respondents to pass a fresh order in the matter in accordance with law after following principles of natural justice".***

13. From the aforesaid, it is evident that this Court not only granted the appellants herein an opportunity to pass a fresh order in accordance with law and after following the principles of natural justice, but also indicated the correct procedure in such matters. In paragraph 16 quoted above, the learned Single Judge of this Court observed that the correct procedure would have been to issue a show cause notice to the respondent herein indicating the grounds on which the disciplinary authority decided to disagree with the findings recorded in the departmental proceedings and then pass an appropriate order.

14. Instead of availing of the fresh opportunity granted by the learned Single Judge, a Committee comprising several high-level officers simply called upon the respondent and two others who were placed in the same predicament to answer a set of questions. The respondent was posed four questions, which were allegations made against him by no less than nine high-ranking officials whom the respondent was called upon to face. The respondent denied such allegations. This high-level committee, without assigning any reasons whatsoever and without perhaps realising the distinction between prosecution and persecution, once again terminated the respondent's services by order dated 23.08.2021.

15. Although the Single Judge issued clear and definitive directions, no show-cause notice was given to the respondent on the points of disagreement or the reasons for contesting the enquiry officer’s findings. Additionally, no other proper procedure seems to have been followed. It is also uncertain whether appointing such a high-level Committee can replace the disciplinary authority’s lawful responsibility to act in accordance with the law.

16. The respondent challenged the second termination order dated 23.08.2021 by instituting W.P.(S) No. 6570 of 2023, in which the learned Single Judge passed the impugned order dated 29.08.2024. The learned Single Judge has quite correctly set aside the second termination order dated 23.08.2021 on the ground of gross breach of the principles of natural justice and

fair play. Fortunately, this setting aside was not contested in this appeal, and rightly so.

17. On the aspect of yet another opportunity, i.e. a 3rd opportunity, the learned Single Judge, in paragraph 8 of the impugned order dated 29.08.2024, has observed as follows: -

> *"8. Having regard to the facts and circumstances of the case and the discussions made hereinabove, the impugned order of termination does not have any legs to stand in the eye of law; as accordingly, the impugned order as contained in Memo No. 360 dated 23.08.2021, passed by the Deputy Commissioner, Bokaro; whereby he has rejected the application of the petitioner to reinstate him in service, is quashed and set aside.*
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> *Normally, in such circumstances where there is procedural irregularity; matter should have been remitted to the disciplinary authority to proceed from the stage of irregularity in accordance with law. However, in the instant case, it appears that the concerned respondent has no understanding of law and to understand the order passed by this court. As such, this court refrains from giving 3rd chance to the respondents by again giving liberty to proceed in accordance with law."*

18. Therefore, Mr Akhtar's contention that the learned Single Judge, without assigning any reasons, has denied the appellants a 3rd opportunity cannot be accepted. This is a case where the appellants, despite being granted an opportunity for course correction, deliberately squandered it and prolonged the misery of a daily wager who had secured regular employment after 16 years of service.

19. The Hon'ble Supreme Court, in **Allahabad Bank and others Vs. Krishna Narayan Tewari, (2017) 2 SCC 308,** has held that

while there is no quarrel with the proposition that, in cases where the High Court finds the enquiry to be deficient, either procedurally or otherwise, the proper course is always to remand the matter to the authority concerned to conduct the enquiry afresh, that course may not have been the only course open in a given situation. *There may be situations where, because of a long time-lag or other supervening circumstances, the writ court considers it unfair, harsh, or otherwise unnecessary to direct a fresh enquiry or a fresh order by a competent authority.*

20. In this case, as noted earlier, the respondent was appointed/regularised in 2005 after following due process of law, after he had worked as a daily wager for 16 years. In 2006, he was suspended, and in 2010, despite the enquiry officer exonerating him, the respondent's services were terminated. This Court set aside the termination by order dated 13.10.2020, granting the appellants a fresh opportunity to make a course correction. For a long time, the appellants neither reinstated the respondent nor issued him a fresh show cause notice, thereby forcing the respondent to file a contempt proceeding.

21. At that stage, the appellants virtually required the respondent, who was a Class-IV employee, to face what could figuratively be described as a firing squad of some nine top-ranking officials. These officials asked him only four questions and, by ignoring his answers, once again terminated his services. The procedure adopted by this high-level committee defied all canons of fair procedure and natural justice. The committee’s

competence to act as a substitute for the disciplinary authority was also doubtful.

22. The respondent was forced to file W.P.(S) No. 6570 of 2023 to have this 2nd termination, which was in gross violation of all canons of natural justice and fair play, set aside. The learned Single Judge correctly turned down the appellants' plea for yet another opportunity, given the above gross and unfortunate facts and circumstances.

23. Considering all the above facts and circumstances, in our judgment, the learned Single Judge correctly exercised discretion and did not accede to the appellants' prayer for yet another opportunity. If such an opportunity were granted, we believe it would result in a travesty of justice, where the mighty State would have succeeded in crushing a Class-IV employee, despite such state having acted most unfairly against him.

24. At this stage, we do not wish to go into whether there has been full compliance with the directions issued in the impugned order or the previous orders. However, even assuming compliance, we believe the appellants have succeeded in prolonging the respondent's misery unreasonably and disproportionately.

25. For the above reasons, we not only dismiss the appeal, but also impose costs of Rs. 10,000/- (rupees ten thousand) on the appellants, which the appellants should pay to the respondent within two weeks of uploading this order.

26. If the appellants have not paid all dues and consequential benefits, they must clear the same within two weeks from the

date of uploading of this order, without requiring the respondent to institute fresh proceedings, which he can hardly afford.

27. However, if such a situation is forced by the appellants, the appellants are directed to pay interest at the rate of 7% per annum on all monetary dues from the date they became payable until actual payment; thereafter, hold an enquiry into the officers involved in the entire episode of delaying payments to a Class-IV employee, fix responsibility, and recover the interest components from such officers. Besides, the competent authority must consider making entries in the confidential rolls of such officers so that there is a record of their conduct in treating a Class-IV employee who was forced to file several litigations to secure what was legitimately due to him.

28. The appeal is dismissed with costs of Rs. 10,000/- (rupees ten thousand) and the above directions. All concerned must act on an authenticated copy of this order.

(M. S. Sonak, C.J.)

(Manoj Prasad, J.)

September 30, 2026

N.A.F.R.

APK/VK

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