

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2352 of 2022****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**

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Approved for Reporting	Yes	No
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SANJA UKABHAI GANGARAMBHAI

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR BHARAT T RAO(697) for the Petitioner(s) No. 1

MS ASMITA V PATEL(5356) for the Respondent(s) No. 4,5

MR MITUL GAUTAM, AGP for the Respondent(s) No. 1,2,3

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CORAM: HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 13/03/2026****ORAL JUDGMENT**

1. Heard learned advocate Mr.B.T.Rao on behalf of the petitioner, learned Assistant Government Pleader Mr.Mitul Gautam on behalf of the respondent - State and learned advocate Ms.Asmita Patel on behalf of the respondents no.4 and 5.

2. By way of this petition, the petitioner had sought for the following prayers:-

“(A) To issue a writ of mandamus or a writ in the

nature of mandamus or any other appropriate writ, order or direction, quashing and setting aside the charge-sheet dated 8.2.2006 issued by respondent no.4 since the respondents have not completed the departmental inquiry even after lapse of more than 15 years and further be pleased to direct the respondents to drop the departmental inquiry and pay to the petitioner all the dues and retiral dues considering petitioner on duty alongwith all consequential benefits alongwith interest @ 18% p.a. thereon from the date of suspension of petitioner till realisation.

(B) The Hon'ble Court may kindly be pleased to grant any other appropriate relief as the nature and circumstances of the case may require.

(C) To award the cost of this petition."

3. It is the case of the petitioner that he had been appointed as an Educational Supervisor, Class-III in the year 1979 with the Municipal School Board, Rajkot managed by the Municipal Commissioner and while he was working as such, in the year 2005, he had made some application against the then administrative officer of the Municipal School Board, Rajkot.

3.1. It is the case of the petitioner that for the purpose of wrecking vengeance against the petitioner, the administrative officer had gotten up certain complaints against the petitioner and whereas, vide an order dated 23.12.2025 the petitioner had been suspended and whereas, it appears that serious

allegations were concerned, while an FIR has been filed by the administrative officer in the year 2005, neither the FIR nor does the charge-sheet which had been filed subsequent to the investigation arraigning the petitioner as an accused.

3.2. It appears that thereafter, a departmental charge-sheet had been issued to the petitioner on 08.02.2006 and whereas, it is the case of the petitioner that basis the charge-sheet, the pension and other retiral benefits, which the petitioner would be entitled to, have not been fully paid. It also appears that in the interregnum, since the respondents were not completing inquiry, appropriate monetary relief had not been paid to the petitioner, hence, the petitioner had approached this Court on couple of occasions and pursuant to the directions issued by this Court, substantial rerial benefits came to be passed on to the present petitioner.

3.3. It would appear in this regard that while the charge-sheet had been issued upon the petitioner in the year 2006 and whereas, it is not the case of the respondents that the petitioner was in any way responsible for the inquiry not concluding till date and whereas, under such circumstances, it is requested by the petitioner that the impugned charge-sheet

may be set aside and all the benefits, as if the order of the charge-sheet had never been passed at all, should be passed on to the present petitioner.

3.4. On the other hand, the case of the respondent - Corporation being that since the public money is involved, the corporation may be granted some reasonable time to conclude the departmental inquiry more particularly learned advocate Ms.Patel on behalf of the Corporation submitting that a notice has been issued to the petitioner very recently i.e. on 04.09.2025 and whereas, the Corporation, in right earnest, would be deciding the departmental inquiry.

4. Heard learned advocate Mr.B.T.Rao on behalf of the petitioner and learned advocate Ms.Asmita Patel on behalf of the respondent - Corporation. The only issue which requires consideration based upon the submissions made by learned advocates is that should this Court interfere with the charge-sheet and direct the Corporation to take appropriate steps as regards the pending retiral as well as other dues or should the request of the Corporation for grant of some appropriate time be considered.

5. At the outset, this Court seeks to rely upon observations of the Hon'ble Supreme Court in case **State of Andhra Pradesh vs. N.Radhakishan, reported in 1998 (4) SCC 154**. Paragraphs No.18 and 19 of the said decision being relevant for the present purpose, are reproduced herein for benefit:-

"18. In State of Punjab and others vs. Chaman Lal Goyal (1995 (2) SCC 570), state of Punjab was aggrieved by the order of the High Court of Punjab and Haryana quashing memo of charges against Goyal and also the order appointing Inquiry Officer to inquire into those charges. In this case the incident, which was the subject-matter of charge, happened in December, 1986 and in early January, 1987, when Goyal was working as supdt. of Nabha High Security Jail. It was only on July 9, 1992 that memo of charges was issued to Goyal. He submitted his explanation of January 4, 1993 denying the charges. Inquiry Officer was appointed on July 20, 1993 and soon thereafter Goyal filed writ petition in the High Court on August 24, 1993. The High Court quashed the memo of charges on the principal ground of delay of five and a half years in serving the memo of charges, for which there was no acceptable explanation. This Court examined the factual position as to how the delay occurred and if Goyal had been prejudiced in any way on account of delay. This Court relied on the Principles laid down in A.R.Antulay vs. R.S.Nayak (1992 (1) SCC 225), and said, that though that case pertained to criminal prosecution the principles enunciated therein were broadly applicable to the pleas of delay in taking the disciplinary proceedings as well. Referring to decision in A.R.Antulay case this Court said:-

"In paragraph 86 of the judgment, this Court mentioned the propositions emerging from the

several decisions considered therein and observed that "ultimately the court has to balance and weigh the several relevant factors - balancing test or balancing process - and determine in each case whether the right to speedy trial has been denied in a given case." It has also been held that, ordinarily speaking, where the court comes to the conclusion that right to speedy trial of the accused has been infringed, the charges, or the conviction, as the case may be, will be quashed. At the same time, it has been observed that that is not the only course open to the court and that in a given case, the nature of the offence and other circumstances may be such that quashing the proceedings may not be in the interest of justice. In such a case, it has been observed, it is open to the court to make such other appropriate order as it finds just and equitable in the circumstance of the case."

In that case this Court said that it was more appropriate and in interest of justice as well as in the interest of administration that inquiry which has proceeded to a large extent be allowed to be completed. At the same time the Court directed that Goyal should be considered forthwith for promotion without reference to and without taking into consideration the charges or the pendency of the inquiry, if he is found fit for promotion.

19. It is not possible to lay down any pre-determined principles applicable to all cases and in all situations where there is delay in concluding the disciplinary proceedings. Whether on that ground the disciplinary proceedings are to be terminated each case has to be examined on the facts and circumstances in that case. the essence of the matter is that the court has to take into consideration all relevant factors and to balance and weight them to determine if it is in the interest of clean and honest administration that the disciplinary proceedings should be allowed to terminate after delay

particularly when delay is abnormal and there is no explanation for the delay. The delinquent employee has a right that disciplinary proceedings against him are concluded expeditiously and he is not made to undergo mental agony and also monetary loss when these are unnecessarily prolonged without any fault on his part in delaying the proceedings. In considering whether delay has vitiated the disciplinary proceedings the Court has to consider the nature of charge, its complexity and on what account the delay has occurred. If the delay is unexplained prejudice to the delinquent employee is writ large on the face of it. It could also be seen as to how much disciplinary authority is serious in pursuing the charges against its employee. It is the basic principle of administrative justice that an officer entrusted with a particular job has to perform his duties honestly, efficiently and in accordance with the rules. If he deviates from this path he is to suffer a penalty prescribed. Normally, disciplinary proceedings should be allowed to take its course as per relevant rules but then delay defeats justice. Delay causes prejudice to the charged officer unless it can be shown that he is to or when there is proper explanation for the delay in conducting the disciplinary proceedings. Ultimately, the court is to balance these two diverse considerations."

5.1. Considering the observations of the Hon'ble Supreme Court, it would appear that interference in a disciplinary proceedings on the ground of delay is permissible at the stage of issuance of charge-sheet and on account of the disciplinary proceedings not concluding within a reasonable period. The Hon'ble Apex Court has observed that while the Court is required to take into consideration all relevant factors and balance and weigh them to determine if it is in the interest of

clear and honest administration that the disciplinary proceedings should be allowed to terminate when delay is abnormal and there is no explanation for the delay.

5.2. On the other hand, it is observed by the Hon'ble Apex Court that a delinquent employee has a right that the departmental proceedings are decided as soon as possible and then the employee is not required to undergo the pain and agony and the loss which occurs on account of the inquiry prolonging unnecessarily even without any fault on the part of the employee concerned. The Hon'ble Supreme Court has further observed that when the issue of whether the disciplinary proceedings should be interfered with on the ground of delay occurred, the Court is required to consider the nature of charge etc. and also the issue on account of which the delay has occurred.

5.3. Most importantly, the Hon'ble Supreme Court has observed that when the delay is unexplained, then prejudice to the employee is writ large and whereas, it is further observed that delay in concluding the departmental proceedings reflects on the seriousness of the authorities concerned in pursuing the charges against the employee.

5.4. The Hon'ble Supreme Court further observes that while delay would cause prejudice to an officer, the said observation would be subject to condition that the officer concerned should not be at blame for the delay or the authorities have proper explanation for the delay in concluding the disciplinary proceedings. The Court is under an obligation to balance the diverse consideration.

6. Appreciating the fact situation from the perspective of the law laid down by the Hon'ble Supreme Court, while it is an admitted position that charge-sheet had been issued to the petitioner in the year 2006 and whereas, the petitioner has attained the age of superannuation in the year 2009, the departmental proceedings have not yet been concluded. It also does not appear to be the case of the respondents here that the petitioner is to be blamed for the delay that has occurred and whereas, the only submission made on behalf of the Corporation being that a notice for concluding the inquiry has been issued to the petitioner on 04.09.2025 then some adequate time may be granted.

6.1. To this Court, it would appear that since it is not the

case of the respondents i.e. the disciplinary authority that the petitioner is to blame for the delay in concluding the disciplinary proceedings and the unexplained delay being extraordinary huge to ignore i.e. of approximately 19 years, the observations of the Hon'ble Apex Court as regards the employee being prejudiced on account of the unexplained delay, would automatically come into play.

6.2. To this Court, it would appear that while a State Authority would be justified in stating that there would be some delay in concluding a disciplinary proceedings if the charges are complex, in the instant case, neither the disciplinary proceedings has come with the case that the charges are complex which require extraordinary amount of time for concluding, nor it is a case of the disciplinary authority that the petitioner was in any manner to blame for the delay.

6.3. Under such circumstances, to this Court, after 19 years of the charge-sheet being issued and approximately after 16 years of the petitioner having retired from service, the disciplinary proceedings not concluding, clearly reflects the fact that the authorities were not at all serious in completing

the disciplinary proceedings.

7. In this view of the matter, to this Court, the charge-sheet cannot be permitted to continue any further and whereas, the same requires appropriate interference. Furthermore, since the charge-sheet is being interfered with by this Court, all necessary consequences as if the disciplinary proceedings were never initiated against the petitioner, shall be required to be ordered. Hence, in view of the above observations, discussion and conclusion, the following directions are passed:-

(i) The impugned charge-sheet dated 08.02.2006 is quashed and set aside.

(ii) The petitioner shall be entitled to all financial emoluments on account of the charge-sheet being set aside as if the disciplinary proceedings were never initiated against the petitioner.

(iii) All financial dues shall be paid to the petitioner within a period of eight (08) weeks from the date of receipt of this order.

(iv) Considering that the petitioner has been denied his complete retiral benefits for a period of approximately 16 years on account of a disciplinary proceedings initiated vide charge-sheet dated 08.02.2006 and since it does not appear that the respondent - Corporation was seriously interested in concluding the disciplinary proceedings against the present petitioner, the financial emoluments which would now be paid to the petitioner shall carry an interest of 6% from the date of entitlement till the date of payment. The amount as above, shall also be paid within the stipulated period of eight (08) weeks as above.

8. With the above observations and directions, the present petition stands disposed of.

Bhoomi

(NIKHIL S. KARIEL,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: BHOOMI YOGESHBHAI MISTRY(HC01557), PRIVATE SECRETARY, at High Court of Gujarat on 16/03/2026 12:21:29