

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
AT DEHRADUN**

(Through audio conferencing).

Present: Hon'ble Mr. Justice U.C.Dhyani

----- Chairman

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

CLAIM PETITION NO.79/SB/2021

Om Prakash, aged about 56 years s/o Sri Dhyan Singh, r/o Chandroti, P.O.
Sinola, Dehradun.

.....Petitioner

vs.

1. State of Uttarakhand through Secretary, Revenue, Govt. of Uttarakhand, Dehradun.
2. District Magistrate, Dehradun, District Dehradun.
3. Sub Divisional Magistrate, Vikasnagar, District Dehradun.

.....Respondents

Present: Sri Rajendra Dobhal, Senior Advocate, assisted by
Sri Shubhang Dobhal, Advocate, for the petitioner.
Sri V.P.Devrani, A.P.O., for respondents.

JUDGMENT

DATED: AUGUST 26, 2021

Justice U.C.Dhyani (Oral)

RELIEF PRAYED FOR

By means of present claim petition, petitioner seeks the following reliefs:

“i. Issue an order or direction to quash the impugned order dated 15.07.2021, passed by Respondent No.2.

- ii. Pass any other order or direction, which this Hon'ble Court may deem fit and proper in the present facts and circumstances of the case.
- iii. Award the cost of the claim petition to the petitioner”

PETITIONER'S VERSION

2. Brief facts giving rise to the present claim petition, are as follows:
 - 2.1 . The petitioner is a Driver in the office of Sub Divisional Magistrate, Vikasnagar, District Dehradun. On 06.11.2020, the petitioner moved application for casual leave *w.e.f.* 06.11.2020 to 10.11.2020, as he had stomachache and he went to Community Health Center, Sahaspur, Dehradun for his medical treatment. He again moved application for casual leave for further three days *w.e.f.* 11.11.2020 to 13.11.2020, on the medical ground. He was advised by the Medical Officer to go to some higher center for his treatment on 30.11.2020 (Copy of prescription: Annexure- A 4). The petitioner was ill since then. He filed medical certificate dated 17.11.2020 (Copy: Annexure-A 5) issued by Medical Officer, Community Health Center, Sahaspur, Dehradun. He underwent a surgery of gall bladder on 10.12.2020 in Nanda Hospital, Rajpur Road, Dehradun and was discharged from the hospital on 12.12.2020 (Copy: Annexure- A 6). Thereafter petitioner suffered from typhoid and stomach infection and remained under treatment of Dr. J.P.Chamoli *w.e.f.* 02.01.2021 to 02.02.2021 (Copies: Annexures- A 7 & A 8).
 - 2.2 During the period, when petitioner was ill and under treatment, Respondent No.1 passed an order on 11.11.2020, by which the petitioner was attached to the office of District Magistrate, Dehradun. Pursuant to order dated 11.11.2020, petitioner was relieved *in absentia* on 17.11.2020 (Copy: Annexure-A9) by the Sub Divisional Magistrate, Vikas Nagar, Dehradun. The said order was served upon the petitioner on 23.01.2021, which is clear from the endorsement made thereon.
 - 2.3 Charge sheet dated 26.02.2021 (Copy: Annexure- 10) was served upon the petitioner, with the charge of misconduct stating therein that

despite orders passed by the respondent on 11.11.2020 and 17.11.2020 (Copy: Annexure- A 9) whereby the petitioner was relieved from the office of Sub Divisional Magistrate, Vikas Nagar, Dehradun, he did not report his joining to the office of District Magistrate, Dehradun and as such he has violated Rule 3(1) and Rule 3(2) of the Uttaranchal Government Servants' Conduct Rules, 2002.

2.4 But before such charge sheet was served, Sub Divisional Magistrate, Mussoorie, Dehradun was appointed as enquiry officer by the District Magistrate, Dehradun *vide* order dated 19.02.2021.

2.5 Petitioner submitted his reply to the charge sheet on 22.03.2021, denying the charges leveled against him. He submitted that he was continuously on leave *w.e.f.* 06.11.2020, as he has been under medical treatment. Copy of reply to the charge sheet has been enclosed as Annexure: A 11 to the claim petition.

2.6 The enquiry officer conducted the inquiry and served inquiry report dated 24.03.2021 *vide* letter dated 21.06.2021 (Copy: Annexure- A 12). The said inquiry report was served upon the petitioner on 23.06.2021. Petitioner submitted his reply to the inquiry report on 29.06.2021 (Copy: Annexure- A 13). Without considering the reply of the petitioner to the inquiry report, order impugned dated 15.07.2021 (Copy: Annexure- A 14) was passed by District Magistrate, Dehradun, whereby he was awarded 'major penalty' downgrading his pay scale from grade pay Rs.4200/- to grade pay Rs.2800/-.

2.7 As per Rule 7 of the Uttarakhand Government Servant (Discipline and Appeal) (Amendment) Rules, 2010 (for short, Rules of 2010), the charge sheet has to be served under the signature of the Disciplinary Authority and after service of charge sheet the enquiry officer is appointed, but the charge sheet has been served upon the petitioner under the signature of enquiry officer, and before framing charges, the enquiry officer has been appointed *vide* order dated 19.02.2021 by the disciplinary authority, as such respondents have violated Rule 7 of the Rules of 2010. Reply submitted by the petitioner

has not been taken into consideration before awarding major penalty to him.

- 2.8 Petitioner filed WPSS No. 971 of 2021 before Hon'ble Uttarakhand High Court, which writ petition has been dismissed by the Hon'ble Court *vide* order dated 03.08.2021 (Annexure: A-17) on the ground of alternate remedy.

DISCUSSION

3. Office Memorandum dated 15.07.2021 (Annexure: A 14), issued by District Magistrate, Dehradun is in the teeth of present claim petition. The petitioner was awarded major penalty, which, according to Ld. Senior Counsel for the petitioner is illegal, arbitrary and disproportionate to the alleged misconduct.
4. According to Ld. Senior Counsel for the petitioner, the charge sheet has been served upon the petitioner under the signature of enquiry officer and the enquiry officer has been appointed *vide* order dated 19.02.2021 by the disciplinary authority, before framing the charges, which is gross violation of Rule 7 of the Rules of 2010, therefore, entire proceedings are vitiated. Impugned order dated 15.07.2021, therefore, according to Ld. Senior Counsel for the petitioner is illegal and arbitrary.
5. Ld. A.P.O. objected to the maintainability of the claim petition on the ground that no departmental appeal has been filed against the order of disciplinary authority. In reply, Ld. Senior Advocate submitted that since pure question of law is involved, therefore, the petitioner is not required to file the departmental appeal, more so, when the petitioner has been relegated to this Tribunal on the ground of alternate remedy. Ld. Senior Advocate also drew the attention of the Bench towards sub-section (5) of Section 4 of the Uttar Pradesh Public Services (Tribunal) Act, 1976 (as applicable to Uttarakhand) to submit that use of word "ordinarily" in such sub-section indicates that filing of departmental appeal, on legal ground alone, was not necessary for the petitioner, especially when the Hon'ble Court has relegated him to the

Tribunal. The Tribunal is inclined to accept the contention of Ld. Advocate in the peculiar facts of the case.

6. Reliance has been placed by Ld. Senior Counsel upon the following decisions:

- i. **Ram Lal vs. State of Uttarakhand and others, Special Appeal No. 300 of 2015.**
- ii. **Writ Petition No. 1364 (S/S) of 2011, Uday Pratap Singh vs. State and others and connected writ petitions.**
- iii. **State of Uttarakhand and another vs. Madan Gopal Pushkarana, 2021(1) U.D., 443.**

7. It will be useful to quote the relevant observations of the Hon'ble Court in Ram Lal case (*supra*), as below:

“3.....Next, the learned counsel would contend that, at any rate, having regard to the part of the selfsame order, whereby an Inquiry Officer was also appointed and, what is more, the Inquiry Officer was called upon to serve the charge-sheet upon the appellant, the order is patently illegal. He brings to our notice a judgment of the learned Single Judge passed in the case of Uday Pratap Singh vs. State of Uttarakhand & others, reported in 2012 (1) U.D. 365.

6.....As far as the appointment of an Inquiry Officer is concerned, it is settled law, by virtue of the Rules prevailing in the State and decisions of the court interpreting them, that an Inquiry Officer can be appointed only after the disciplinary authority issues a charge-sheet calling upon the delinquent officer to submit his explanation and, if, after considering the explanation of the delinquent officer, it is found necessary to hold an inquiry, only at that stage, an Inquiry Officer can be appointed. As far as the charge-sheet is concerned, after the amendment to the Rules in 2010, it is not disputed that the charge-sheet is to be signed by the disciplinary authority. The power of issuing the charge-sheet cannot be delegated to the Inquiry Officer. Therefore, in the light of these settled principles, if we examine the impugned order; it is clear that it is afflicted by two vices. Firstly, even without issuing a charge-sheet and calling for an explanation, an Inquiry Officer has been appointed. This part of the order cannot be sustained. Equally without legal foundation and contrary to law is the direction to the Inquiry Officer to serve the charge-sheet upon the appellant. These portions are clearly unsustainable and, therefore, they deserve to be quashed.

7..... That the order countenanced the appointment of an Inquiry Officer without following the law and also contains a direction to serve the charge-sheet by the Inquiry Officer, would not suffice, in our view, to interfere with the order of suspension contained in the said order. We would think that they are separable and it is not as if it is

inseparable and the order must perish as a whole. If the legal part is separable from the illegal part, we would think that the legal part can be sustained. In such circumstances, while we uphold the contention of the appellant regarding the portion of the impugned order appointing the Inquiry Officer and also directing the Inquiry Officer to serve the charge-sheet;

8.....we quash the order by which the Inquiry Officer was appointed and also the direction to the Inquiry Officer to serve the chargesheet. We, however, leave it open to the competent authority to follow the Rules; the disciplinary authority will take upon itself the task of serving the charge-sheet as per the Rules; consider the explanation of the appellant; thereafter, take a decision as to whether an Inquiry Officer is to be appointed; and, if an Inquiry Officer is to be appointed, to appoint him. The issuance of the charge-sheet will not be unnecessarily delayed and, if the matter is governed by law in the form of Rules or Government Order, necessarily, the disciplinary authority must take steps to issue the chargesheet and also to conclude the inquiry at the earliest without any unnecessary delay and as per law.”

[Emphasis supplied]

8. Earlier, almost the same findings were given by the Hon’ble High Court of Uttarakhand in judgment dated 29.02.2021 passed in Writ Petition No. 1364 (S/S) of 2011, Uday Pratap Singh vs. State and others and connected writ petitions, as follows:

“The learned counsel for the petitioner attacked the impugned order on three grounds, namely, that -----appointment of the Enquiry Officer was in gross violation of the Rules as amended from time to time. It was contended that under the amended Rules, the Enquiry Officer can only be appointed after the charge sheet is served and the charged officer denies the charge, whereas in the present case, the Enquiry Officer was appointed prior to the initiation of the disciplinary proceedings and also prior to the serving of the charge sheet..... It was also urged that the direction of the disciplinary authority to the Enquiry Officer to sign the charge sheet and serve the same upon the charged officer was wholly illegal and again in violation of the amended Rule 7 of the Rules.

..... Before proceeding further, it would be appropriate to refer to the relevant Rules, which are known as ‘the Uttaranchal Government Servant (Discipline and Appeal) Rules, 2003’. For facility, Rule 7(i) and (ii), as originally stood prior to the amendment, is extracted hereunder:

“7. Procedure for imposing major penalties.-Before imposing any major penalty on a Government Servant, an inquiry shall be held in the following manner:- (i) The Disciplinary Authority may himself inquire into the charges or appoint an Authority subordinate to him as Inquiry Officer to inquire into the charges. (ii) The facts constituting the misconduct on which it is proposed to take action shall be reduced in

the form of definite charge or charges to be called charge sheet. The charge sheet shall be approved by the Disciplinary Authority.”

These Rules came up for interpretation before a Division Bench of this Court and in Writ Petition No. 118 (S/B) of 2008, Smt. Lalita Verma Vs. State and another. By an order dated 30th June, 2008, the Court laid down three propositions of law, namely-

1. With reference to the first proviso to sub-rule (1) of Rule 4 of Uttaranchal Government Servants (Discipline and Appeal) Rules, 2003, the suspension order must say, record and mention, that the charges against the concerned Government Servant are so serious that in the event of these being established, ordinarily major penalty would be inflicted. (refer to Para 4 of the aforesaid judgment)
2. By referring to Rule 7 of the aforesaid 2003 Rules in comparison to Rule 14 of Central Civil Services (Classification, Control and Appeal) Rules, 1965, the Inquiry Officer should be appointed only after the charge sheet is served upon the delinquent officer and he pleads “not guilty” to the charges. There is no reason or occasion to appoint an Inquiry Officer before the delinquent officer pleads “guilty” or “not guilty” to the charge sheet. (refer to Para 7 of the aforesaid Judgment)
3. The charge sheet should not be signed by the Inquiry Officer. (refer to Para 8 of the aforesaid judgment).”

Based on the aforesaid direction, the State Government issued a Government Order dated 23rd July, 2009 indicating that the following procedure would be laid in the Rules of 2003, namely-

1. With reference to the first proviso to sub-rule (1) of Rule 4 of Uttaranchal Government Servants (Discipline and Appeal) Rules, 2003, the suspension order must say, record and mention, that the charges against the concerned Government Servant are so serious that in the event of these being established, ordinarily major penalty would be inflicted.
2. By referring to Rule 7 of the aforesaid 2003 Rules in comparison to Rule 14 of Central Civil Services (Classification, Control and Appeal) Rules, 1965, the Inquiry Officer should be appointed only after the charge sheet is served upon the delinquent officer and he pleads “not guilty” to the charges. There is no reason or occasion to appoint an Inquiry Officer before the delinquent officer pleads “guilty” or “not guilty” to the charge sheet.
3. The charge sheet should not be signed by the Inquiry Officer.”

Subsequently, the State Government amended the Rules of 2003 known as ‘the Uttarakhand Government Servant (Discipline and Appeal) Amendment Rules, 2010’. Original Rule 4(1) and Rule 7 were substituted. The amended Rule 4(1) and Rule 7, as substituted by the Amendment Rules, 2010, is extracted hereunder:

“Substitution of Rule 7.- In the principal rules for Rule 7, the following rule shall be substituted, namely-

“7. Procedure for imposing major punishment. Before imposing any major punishment on a government servant, an inquiry shall be conducted in the following manner:-

(1) Whenever the Disciplinary Authority is of the opinion that there are grounds to inquire into the charge of misconduct or misbehaviour against the government servant, he may conduct an inquiry.

(2) The facts constituting the misconduct on which it is proposed to take action shall be reduced in the form of definite charge or charges to be called charge sheet. The charge sheet shall be approved by the Disciplinary Authority. Provided that where the appointing authority is Governor, the charge sheet may be signed by the Principal Secretary or Secretary, as the case may be, of the concerned department.

(3) The charges framed shall be so precise and clear as to give sufficient indication to the charged government servant of the facts and circumstances against him. The proposed documentary evidences and the names of the witnesses proposed to prove the same along with oral evidences, if any, shall be mentioned in the charge-sheet.

(4) The charge sheet along with the documentary evidences mentioned therein and list of witnesses and their statements, if any, shall be served on the charged government servant personally or by registered post at the address mentioned in the official records. In case the charge sheet could not be served in aforesaid manner, the charge sheet shall be served by publication in a daily newspaper having wide circulation: Provided that where the documentary evidence is voluminous, instead of furnishing its copy with charge sheet, the charged government servant shall be permitted to inspect the same.

(5) The charged government servant shall be required to put in written statement in his defence in person on a specified date which shall not be less than 15 days from the date of issue of charge sheet and to clearly inform whether he admits or not all or any of the charges mentioned in the charge sheet. The charged government servant shall also be required to state whether he desires to cross-examine any witness mentioned in the charge sheet whether he desires to give or produce any written or oral evidence in his defence. He shall also be informed that in case he does not appear or file the written statement on the specified date, it will be presumed that he has none to furnish and ex-parte inquiry shall be initiated against him.

(6) Where on receipt of the written defence statement and the government servant has admitted all the charges mentioned in the charge sheet in his written statement, the Disciplinary Authority in view of such acceptance shall record his findings relating to each charge after taking such evidence he deems fit if he considers such evidence necessary and if the Disciplinary Authority having regard to its findings is of the opinion that any penalty specified in Rule 3 should be imposed on the charged government servant, he shall give a copy of the recorded findings to the charged government servant and require him to submit his representation, if he so desires within a reasonable specified time. The Disciplinary Authority shall, having regard to all the relevant records relating to the findings recorded related to every charge and representation of charged government servant, if any, and subject to the provisions of Rule 16 of these rules, pass a reasoned order imposing one or more penalties mentioned in Rule 3 of these rules and communicate the same to the charged government servant.

(7) If the government servant has not submitted any written statement in his defence, the Disciplinary Authority may, himself inquire into the charges or if he considers necessary he may appoint an Inquiry Officer for the purpose under sub-rule (8).

(8) The Disciplinary Authority may himself inquire into those charges not admitted by the government servant or he may appoint any authority subordinate to him at least two stages above the rank of the charged government servant who shall be Inquiry Officer for the purpose.

(9) Where the Disciplinary Authority has appointed Inquiry Officer under sub-rule (8), he will forward the following to the Inquiry Officer, namely-

(a) A copy of the charge sheet and details of misconduct or misbehaviour;

(b) A copy of written defence statement, if any submitted by the government servant;

(c) Evidence as a proof of the delivery of the documents referred to in the charge sheet to the government servant;

(d) A copy of statements of evidence referred to in the charge sheet.

(10) The Disciplinary Authority or the Inquiry Officer, whosoever is conducting the inquiry shall proceed to call the witnesses proposed in the charge sheet and record their oral evidence in presence of the charged government servant who shall be given opportunity to cross-examine such witnesses after recording the aforesaid evidences. After recording the aforesaid evidences, the Inquiry Officer shall call and record the oral evidence which the charged government servant desired in his written statement to the produced in his defence.

Provided that the Inquiry Officer may, for reasons to be recorded in writing, refuse to call a witness.

(11) The Disciplinary Authority or the Inquiry Officer whosoever is conducting the inquiry may summon any witness to give evidence before him or require any person to produce any documents in accordance with the provisions of the Uttar Pradesh Departmental Inquiries (Enforcement of Attendance of Witness and Production of Documents) Act, 1976 which is enforced in the State of Uttarakhand under the provisions of Section 86 of the Uttar Pradesh Reorganization Act, 2000.

(12) The Disciplinary Authority or the Inquiry Officer whosoever is conducting the inquiry may ask any question, he pleases, at any time from any witness or person charged with a view to find out the truth or to obtain proper proof of facts relevant to the charges.

(13) Where the charged government servant does not appear on the date fixed in the enquiry or at any stage of the proceeding in spite of the service of the notice on him or having knowledge of the date, the Disciplinary Authority or the Inquiry Officer whosoever is conducting the inquiry shall record the statements of witnesses mentioned in the charge sheet in absence of the charged government servant.

(14) The Disciplinary Authority, if it considers necessary to do so, may, by an order, appoint a government servant or a legal practitioner, to be known as "Presiding Officer" to present on his behalf the case in support of the charge.

(15) The charged government servant may take the assistance of any other government servant to present the case on his behalf but not engage a legal practitioner for the purpose unless the Presiding Officer appointed by the Disciplinary Authority is a legal practitioner of the Disciplinary Authority, having regard to the circumstances of the case, so permits.

(16) Whenever after hearing and recording all the evidences or any part of the inquiry jurisdiction of the Inquiry Officer ceases and any such Inquiry Authority having such jurisdiction takes over in his place and exercises such jurisdiction and such successor conducts the inquiry such succeeding Inquiry Authority shall proceed further, on the basis of evidence or part thereof recorded by his predecessor or evidence or part thereof recorded by him:

Provided that if in the opinion of the succeeding Inquiry Officer is any of the evidences already recorded further examination of any evidence is necessary in the interest of justice, he may summon again any of such evidence, as provided earlier, and may examine, cross-examine and re-examine him.

(17) This rule shall not apply in the following case i.e. there is no necessity to conduct an inquiry in such cases-

(a) Where any major penalty is imposed on a person on the ground of conduct which has led to his conviction on a criminal charge, or

(b) Where the Disciplinary Authority is satisfied, that for reasons to be recorded by it in writing, it is not reasonably practicable to hold an inquiry in the manner provided in these rules; or

(c) Where the Governor is satisfied that in the interest of the security of the State it is not expedient to hold an enquiry in the manner provided in these rules."

Rule 7(ii) indicates that the charge sheet shall be signed by the disciplinary authority. Prior to the amended Rules, it was open to the disciplinary authority to sign the charge sheet himself or direct any subordinate officer or the Enquiry Officer to sign the charge sheet. This Rule has been specifically amended by the Amendment Rules, 2010 pursuant to the interim order of the High Court and the reason is not far to see. An Enquiry Officer should not be allowed to sign the charge sheet. An Enquiry Officer is required to be an independent person, who is required to proceed and analyze the evidence that comes before him and should not be a signatory to the charges that are being levelled against the charged officer. It is on account of this salutary principle that the Rules have been amended specifically for a solitary purpose, namely, that the disciplinary authority alone is required to sign the charge sheet. Consequently, the direction of the disciplinary authority to the Enquiry Officer to sign the charge sheet was patently erroneous and was in gross violation of the amended Rules 7(ii) of the Rules.

Rule 7(6) and (8) of the Rules contemplates that after submission of the reply to the charge sheet, it would be open to the disciplinary authority to inquire into the charges himself or may appoint an Enquiry Officer for the purpose of sub-rule (8). Sub-rule (8) provides that the disciplinary authority or the Enquiry Officer would inquire into the charges. The reason for the appointment of an Enquiry Officer after the service of the charge sheet and the reply of the charged officer has a purpose, namely, that in the event the charged officer pleads guilty to the charges, in that event, it would not be necessary for the disciplinary authority to appoint an Enquiry Officer and it would be open to the disciplinary authority to proceed and impose a penalty contemplated under the Rules. Consequently, the earlier Rules, which contemplated that an Enquiry Officer could be appointed even before the submission of the charge sheet, was done away under the amended Rules. The amended Rules clearly indicate that an Enquiry Officer can only be appointed after the charge sheet is served upon the charged officer and after a reply is given by the charged officer. In the present case, the Court finds that the Enquiry Officer was appointed on 21st April, 2011. The charge sheet under the signature of the Enquiry Officer was served upon the petitioner after he was suspended by an order dated 20th July, 2011.

From the aforesaid, it is clear that the entire procedure adopted by the respondents was in gross violation of the amended Rules of 2010 and therefore, the procedure adopted cannot be sustained and are liable to be set aside.

For the reasons stated above, the writ petitions succeed and are allowed. The impugned order dated 21st April, 2011 appointing the Enquiry Officer is quashed..... It would be open to the disciplinary authority to proceed afresh against the petitioner in accordance with law.

[Emphasis supplied]

9. It will also be profitable to quote the observations of Hon'ble High Court of Uttarakhand in *State of Uttarakhand and another vs. Madan Gopal Pushkarana, 2012 (1) U.D., 443*, as below:

"15. When the disciplinary authority initiates proceedings under the rules which prescribe the procedure for imposing a major penalty, it is obligatory for the disciplinary authority to hold the enquiry in conformity with the rules. The mere fact that ultimately a minor penalty is imposed cannot be taken as the basis for an argument that any defect in holding the enquiry stands cured. The noncompliance with the mandatory provision in holding the enquiry vitiates the final order, though it imposes only a minor penalty and though the disciplinary authority could have imposed the said penalty without following the procedure prescribed for a major penalty. Once the enquiry proceedings are vitiated for violation of the rules under which the enquiry is held, such an enquiry proceeding cannot be taken as the basis for imposing any penalty.

16. Thus, in view of the above, the penalty order is not maintainable in the eye of the law.”

[Emphasis supplied]

CONCLUSION & ORDER

10. This Tribunal is of the opinion that the case in hand is squarely covered by the aforesaid decisions of Hon’ble High Court of Uttarakhand, especially the decisions of Ram Lal (*supra*) and Uday Pratap Singh (*supra*) and, therefore, the claim petition should be decided in the same manner in which the Hon’ble High Court has decided the above noted writ petitions. Impugned order dated 15.07.2021 is set aside.
11. We quash the order dated 19.02.2021 by which the Inquiry Officer was appointed and also the direction to the Inquiry Officer to serve the charge-sheet. We, however, leave it open to the competent authority to follow the Rules; the disciplinary authority will take upon itself the task of serving the charge-sheet as per the Rules; consider the explanation of the petitioner; thereafter, take a decision as to whether an Inquiry Officer is to be appointed; and, if an Inquiry Officer is to be appointed, to appoint him. The issuance of the charge-sheet will not be unnecessarily delayed and, if the matter is governed by law in the form of Rules or Government Order, necessarily, the disciplinary authority must take steps to issue the charge-sheet and also to conclude the inquiry at the earliest without any unnecessary delay and as per law.
12. The claim petition thus stands disposed of at the admission stage.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: AUGUST 19, 2021
DEHRADUN