IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6105 of 2022

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Ranjan Kumar, Son of Late Pramod Kumar Sinha, Resident of Ashok Nagar, P.O.- Kosi College, P.S. and District- Khagaria (Bihar), Presently Posted as Deputy Superintendent of Police, Economic Offences Unit (Bihar), P.O. and P.S. Shastri Nagar, District-Patna (Bihar)

... ... Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Home, Main Secretariat, Patna-800015.
2. The Special Secretary, Department of Home (Police), Main Secretariat, Patna-800015.
3. The Director General of Police, Government of Bihar, Sardar Patel Bhawan, Patna-800001.
4. The Additional Director Genral of Police (Head Quarters), Sardar Patel Bhawan, Patna-800001.
5. The Inspector General of Police (Headquarters), Sardar Patel Bhawan, Patna-800001.
6. The Deputy Inspector General of Police, Munger Range, District- Munger, Bihar.
7. The Superintendent of Police, District- Munger.
8. The Superintendent of Police, Economic Offences Unit, Bailey Road, Patna.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Siddhartha Prasad, Advocate
For the Respondent/s : Mr. Manish Kumar, GP- 4
Mr. Manoj Kumar, AC to GP- 4

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 01-07-2025

Heard the parties.

2. The challenge in the present writ petition is made to an order dated 25.02.2020, as contained in Memo No. 2/M2-70-06/2013 Home (Police)/1978, issued under the signature of Special Secretary, Government of Bihar, Department of Home (Police), whereby the petitioner has been inflicted with the

punishment of withholding of three annual increments with cumulative effect. The petitioner further sought quashing of the order as contained in Memo No.2/Police-70-06/2013 Home (Police)/8509 dated 14.12.2020, whereby the review preferred against the order of punishment came to be rejected.

3. The petitioner was posted as Sub-Divisional Police Officer, Jamalpur, when an incident occurred in 2011 involving indiscriminate firing. Vide Letter No. 1992, dated 05.06.2013, the Inspector General (Headquarters), Bihar, Patna, requested the Home Department to initiate disciplinary proceedings against the petitioner for allegedly assisting the accused from one group, disobeying superior officers, and restraining subordinates from arresting the accused. A Memo of Charge dated 17.11.2014 (Annexure-P/12) was issued with three charges and a list of documents, but no witness list. The petitioner submitted a detailed reply on 17.11.2014 (Annexure-P/16). No progress occurred for three years, prompting the petitioner to request closure of proceedings vide letters dated 14.11.2017 (to ADG HQ) and 31.07.2018 (to DGP Bihar). No action followed. On 07.01.2019, the Inquiry Officer requested the appointment of a Presenting Officer. Post appointment, the petitioner was asked to produce and verify documents through

witnesses. Two constables from the offices of the IG, Bhagalpur, and SP, Munger, were produced by the Presenting Officer as witnesses. The petitioner submitted his defence statement on 10.06.2019. The Presenting Officer was directed to respond. The Inquiry Officer submitted his report on 17.07.2019 (Annexure-P/29), finding Charge nos. 1 and 2 proved, while Charge no. 3 was not proved.

4. On receipt of the enquiry report, the petitioner was served with the second show-cause along with the enquiry report on 13.08.2019. The petitioner immediately submitted his reply to the second show-cause. However, it did not find any favour and the impugned order of punishment came to be passed on 25.02.2020 by the respondent no.2.

5. Aggrieved, the petitioner preferred Review, however, the same came to be rejected vide order dated 14.12.2020. Both the orders, aforenoted, are challenged in the present writ petition.

6. Mr. Siddhartha Prasad, learned Advocate for the petitioner assailing the impugned orders primarily questioned the legality of the Memo of charge and submitted that admittedly there had been no list of witnesses to bring home the charges and thus violating the Rules 17(4) and 17 (14) of the

Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (hereinafter referred to as 'the CCA Rules, 2005'). In absence of the witnesses to prove the charges, the natural corollary is the finding of the enquiry officer is based on no evidence. Moreover, the SHO, who was the most important witness to prove the charge no.1, his deposition has not been recorded. Similarly, the Superintendent of Police, Munger and the Investigating officer, who were the most important witnesses to prove charge no.2, they were never produced as witness in the departmental proceeding. The petitioner on account of non-production of witnesses got no opportunity to cross-examine them. The two witnesses, who were produced as the witnesses were only formal witness and deposed to verify the documents, yet the contents of the document not proved by any witness. The entire departmental proceeding was conducted on five dates. Moreover, the Presenting Officer failed to discharge his role to bring the evidence and prove the charges. All the more, he was absent on three days and only completed the formality without giving any comment.

7. Referring to the enquiry report, Mr. Siddhartha Prasad, further contended that when the Presenting Officer, who had to prosecute did not discharge his duties. It is obvious that

enquiry officer stepped into the shoes of the Presenting Officer and acted on behalf of the department and returned the findings, which is legally not sustainable. The charge nos. 1 and 2, which are said to have been proved are based on no evidence and in fact the onus has been erroneously shifted to the petitioner to prove his innocence. The impugned orders are perfunctory. There is no deliberation or discussion of the written defence and the grounds taken in the reply to the second show-cause and thus there is no application of independent mind and the orders are completely non-speaking is the contention of the learned Advocate for the petitioner.

8. Placing reliance upon the decision rendered in the case of ***Satyendra Singh Vs. the State of Uttar Pradesh***, [SLP(C) No.29758 of 2018], it is contended that recording of evidence in a disciplinary proceeding proposing charges of a major punishment is mandatory. Since no oral evidence has been examined the documents have not been proved, and could not have been taken into consideration to conclude that the charges have been proved against the respondents. In ***Satyendra Singh*** (supra), the Apex Court has emphasized and reiterated the well settled legal proposition laid down in the case of ***Roop Singh Negi Vs. Punjab National Bank and Others***,

reported in, ***(2009) 2 SCC 570*** as well ***State of U.P. & Ors. Vs. Saroj Kumar Sinha***, reported in, ***(2010) 2 SCC 772***, while highlighting the duty of the enquiry officer.

9. On the other hand, Mr. Manoj Kumar, learned Advocate for the State dispelling the aforenoted contentions has urged that Praptra 'Ka' issued by the General and Administration Department, Government of Bihar was revisited and a fresh memo of charge along with list of evidences and exhibits against the petitioner under Rule 17(3)(4) of the CCA Rules, 2005 was served upon him and directed to submit a written statement of defence.

10. Under the Memo of Charge, the petitioner submitted his written statement of defence. The Police Headquarters, vide Letter No. 2341 dated 04.10.2018, opined that the petitioner failed to take effective steps regarding raid, search, and preventive action against the accused involved in the firing incident. The matter was examined based on the allegations, the petitioner's defence, the opinion of the Police Headquarters, and materials on record. The departmental proceeding was accordingly continued, and the Conducting Officer submitted a finding of guilt. Charges of negligence, dereliction of duty, arbitrariness, and dubious conduct tarnishing

the police force's image were proven. Based on this, a second show-cause notice was issued. The petitioner’s reply was found unsatisfactory, resulting in the impugned order of punishment, withholding of three annual increments with cumulative effect.

11. It is specifically contended that in conducting the departmental proceeding, Rules and procedures have been strictly followed and the petitioner was accorded sufficient opportunity to place his defence, but he failed to produce any clinching evidence to refute the allegation.

12. Reliance has also been placed on decisions rendered by the Hon’ble Supreme Court in the case of **T*ara Chand Vyas vs. Chairman and Disciplinary Authority & Ors.***, reported in, ***(1997) 4 SCC 565***, ***Director General, Indian Council of Medical Research & Ors. Vs. Dr. Anil Kumar Ghosh & Anr.***, reported in, ***(1998) 7 SCC 97***. Further reliance has been placed on a Bench decision of this Court in the case of ***Anuj Kumar Singh Yadav Vs. The State of Bihar & Ors***., reported in, **2*024 (2) PLJR 30***. (CWJC No. 6409 of 2016).

13. This Court has meticulously heard the learned Advocate for the respective parties and perused the materials available on record. Before delving into the merit of this case, it would be prudent to remind that the scope of judicial review is

limited to the deficiency in decision making process and not the decision. Caution has been rendered that the court would not go into the correctness of the choice made by the disciplinary authority/administrator open to him and should not substitute its decision to that of the disciplinary authority/administrator. The above mentioned legal proposition has been emphasized since the decision of ***Associated Provincial Picture Houses Ltd. Vs. Wednesbury Corporation***, reported in **(*1948) 1 King's Bench 223***. The Apex Court summarizing the scope of interference in a disciplinary proceeding, while exercising power under Articles 226 and 227 of the Constitution, in the case of ***Union of India & Ors. Vs. P. Gunasekaran***, reported in ***(2015) 2 SCC 610*** has succinctly enumerated the eventuality wherein the court can interfere any disciplinary proceeding, which are being quoted hereinbelow:

> "**12.** Despite the well-settled position, it is painfully disturbing to note that the High Court has acted as an appellate authority in the disciplinary proceedings, reappreciating even the evidence before the enquiry officer. The finding on Charge I was accepted by the disciplinary authority and was also endorsed by the Central Administrative Tribunal. In disciplinary proceedings, the High Court is not and cannot act as a second court of first appeal. The High Court,

in exercise of its powers under Articles 226/227 of the Constitution of India, shall not venture into reappreciation of the evidence. The High Court can only see whether:

(*a*) the enquiry is held by a competent authority;

(*b*) the enquiry is held according to the procedure prescribed in that behalf;

(*c*) there is violation of the principles of natural justice in conducting the proceedings;

(*d*) the authorities have disabled themselves from reaching a fair conclusion by some considerations extraneous to the evidence and merits of the case;

(*e*) the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations;

(*f*) the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion;

(*g*) the disciplinary authority had erroneously failed to admit the admissible and material evidence;

(*h*) the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding;

(*i*) the finding of fact is based on no evidence."

14. As regards the power of the High Court to

reappraise the facts, it cannot be said that the same is completely impermissible under Articles 226 and 227 of the Constitution. However, there must be a level of infirmity greater than ordinary in a tribunal's order, which is facing judicial scrutiny before the High Court, to justify interference, as has been held by the Apex Court in the case of ***Bharti Airtel Limited Vs. A. S. Raghavendra***, reported in ***(2024) 6 SCC 418***.

15. In the case of ***State of Rajasthan Vs. Bhupendra Singh***, reported in, ***2024 SCC OnLine SC 1908***, the Apex Court reiterating the settled legal position propounded in the case of ***State of Andhra Pradesh Vs. S. Sree Rama Rao***, reported in ***AIR 1963 SC 1723***, as also in the case of ***State of Andhra Pradesh & Ors. Vs. Chitra Venkata Rao***, reported in ***(1975) 2 SCC 557*** and ***State Bank of Patiala Vs. S.K. Sharma***, reported in, ***(1996) 3 SCC 364*** has observed that in a case where a fair opportunity was given to the delinquent to present his version on account of minor deficiencies in the process, if the same have not caused prejudice to the respondents to the extent warranting judicial interdiction and the charges were proved, based upon the legal evidence, the order of dismissal should not interfere normally.

16. In the aforementioned settled legal position, now

this Court will examine the legality of the impugned order as to whether it warrants interference, in the facts of the present case. Withholding of three annual increments with cumulative effect, indisputably falls within the category of major punishment. Rule 17 of the CCA Rules, 2005 prescribed the Procedure for imposing major penalties. Rule 17(3) thereof cast an obligation on the disciplinary authority to draw charge against a delinquent/government servant or cause it to be drawn up against the official delinquent. It is specifically ruled that the substance of the imputations of misconduct or misbehaviour has a definite and distinct article of charge. In support of each charge, the statement of all relevant facts, including a list of such document by which, and a list of such witnesses by whom, the articles of charges are sustained in the mandate of Rule 17(4) of the CCA Rules, 2005.

17. Rule 17(14) clearly prescribes that on the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority. The witnesses shall be examined by or on behalf of the Presenting Officer and cross-examined by or on behalf of the Government Servant. The Presenting Officer shall be entitled to re-examine

the witnesses on any points on which they have been cross-examined, but not on any new matter, without the leave of the inquiring authority. The inquiring authority is also empowered to put such questions to the witnesses, as it thinks fit. From the conjoint reading of all the aforementioned, prima facie, prescriptions of CCA Rules, 2005 it would be evident that the legislation has interfered and emphasized the obligation upon the disciplinary authority to produce the document and the witnesses of each article of charge is proposed to be sustained.

18. In the light of the statutory prescriptions noted hereinabove, now coming to the memo of charge, the copy of which is placed on record as Annexure-P/12. The list of documents contains four letters issued by different authorities. However, admittedly there is no list of witnesses. The charges in sum and substance alleged against the delinquent with regard to dereliction of duty and laxity in investigation; and engaging in acts, which aimed at and facilitated holding the accused persons, in the opinion of this Court, cannot sustain only on documentary evidence, rather the same is to be proved by oral evidence. Moreover, even the documentary evidence, which has been produced during the course of investigation, none of the witnesses have come forward to prove the content thereof. It has

rightly been urged by the learned Advocate for the petitioner that the SHO of the concerned police station was the relevant witness to prove the charge no.1, his deposition has not even been recorded. Similarly, the Superintendent of Police, Munger and the investigating officer of the questioned police station case, their depositions have not been recorded by the Conducting officer. This Court also finds substance in the submission that in the case in hand, the onus to prove the charge has been erroneously shifted to the petitioner. The Court on innumerable occasion has emphasized and underscore that a finding can be arrived at by the enquiry officer, if there is some evidence on record. The evidence must be admissible evidence and non-else.

19. In the case of ***Roop Singh Negi*** (supra), the Apex Court held that mere production of a document is not enough. Contents of documentary evidence have to be proved by examining the witnesses. The Court further observed that since a departmental proceeding is a quasi judicial proceeding. The Enquiry Officer performs a quasi judicial function. The charges leveled against the delinquent officer must be found to have been proved. The enquiry officer has a duty to arrive at a finding upon taking into consideration the materials brought on record

by the parties. The purported evidence collected during investigation by the Investigating Officer against all the accused by itself could not be treated to be evidence in the disciplinary proceeding. No witness was examined to prove the said documents. Hence, the Court finally observed that mere tendering of the documents would not suffice and the reliance placed by the Enquiry Officer on the FIR could not have been treated as evidence.

20. Similarly, in the case of ***Saroj Kumar Sinha*** (supra), the Court cautioned that even an ex-parte enquiry, it is the duty of the enquiry officer to examine the evidence presented by the department to find out whether the unrebutted evidence is sufficient to hold that the charges are proved. It would be prudent to encapsulate the relevant extract of the decision, which shall answer and cover the issue involved herein:

> "**28.** An inquiry officer acting in a quasi-judicial authority is in the position of an independent adjudicator. He is not supposed to be a representative of the department/disciplinary authority/Government. His function is to examine the evidence presented by the Department, even in the absence of the delinquent official to see as to

whether the unrebutted evidence is sufficient to hold that the charges are proved. In the present case the aforesaid procedure has not been observed. Since no oral evidence has been examined the documents have not been proved, and could not have been taken into consideration to conclude that the charges have been proved against the respondents.

29. Apart from the above, by virtue of Article 311(2) of the Constitution of India the departmental enquiry had to be conducted in accordance with the rules of natural justice. It is a basic requirement of the rules of natural justice that an employee be given a reasonable opportunity of being heard in any proceedings which may culminate in punishment being imposed on the employee."

21. In the case of ***Satyendra Singh*** (supra), the two judges Bench of the Hon'ble Apex Court reiterating the aforenoted settled legal position in identical circumstances on being found that no oral evidence whatsoever was recorded by the department in support of the charges, set aside the order of the High Court of Judicature at Allahabad, Lucknow Bench, whereby punishment inflicted upon the delinquent was sustained. The Apex Court held that the High Court fell into grave error of law while interfering in the well-reasoned judgment rendered by the Tribunal whereby imposing penalty

upon the appellant by holding that the inquiry proceedings conducted against the appellant pertaining to charges punishable with major penalty, were held to be totally vitiated and non-est in the eyes of law in absence of any oral evidence.

22. To test the legality of the enquiry report, it would be pertinent to remind and reinforce the position of an enquiry officer, who is acting as a quasi judicial authority. The enquiry officer is an independent adjudicator and is not supposed to be a representative of the department/disciplinary authority/ Government. It is trite that justice is not to be done, but is manifestly seen to be done. The enquiry, which may lead to major penalty caution is required. This Court is also conscious of the fact that in the subjected departmental proceeding, though the Presenting officer was appointed, belatedly; but the enquiry report does not answer as to whether he followed the necessary requirement of the prescriptions and the statutory rule as incorporated in Rule 17(5)(c) of CCA Rules, 2005.

23. The significance of appointment of Presenting Officer has also been admitted by the respondent authorities, which led to issuance of Memo No. 235 dated 20.12.2017, which clearly postulates the role of Presenting officer. This Court has also taken cognizance of this letter in the case of

Manoj Kumar Ram Vs. The State of Bihar & Ors., reported in, ***2025 (2) PLJR 561***.

24. Bare perusal of the enquiry report, this Court finds that the Presenting officer has completely failed to discharge his duty and only opined that all the issues relating to charges shall be considered in the enquiry, as it is a quasi judicial proceeding, save and except there is nothing on record. Neither he produced any witness to support the charges nor he made any effort to bring the charges home even by producing any clinching admissible documentary evidence. The enquiry officer also failed in discharging its duty when he returned the finding of guilt by holding; “since the delinquent has only denied the charges, but failed to produce any documentary evidence, hence the charges stood proved. Well settled that it is the prosecution/ department who is obliged to bring the charges home and not the accused/delinquent.

25. In the case in hand, the onus has wrongly been shifted to the delinquent to prove the charges. The enquiry report concluded by holding two of the charges, out of three, stand proved; but having gone through the enquiry report it does not stand to the reason as to on what basis the charges came to be proved without their being any legal admissible evidences.

Once this Court finds that the Presenting officer has failed to discharge his duty and thus the Conducting officer has acted beyond his jurisdiction, in the opinion, the entire enquiry vitiates. Moreover, the charge nos. 1 and 2, which are stated to have been proved are not based upon any admissible legal evidence, hence the finding of the enquiry officer cannot sustain in the eyes of law.

26. Before coming to the impugned orders, this Court feels it apt and proper to discuss the applicability of the decisions referred by the learned Advocate for the State.

27. In the case of ***Tara Chand Vyas*** (supra) the charges against the delinquent was with regard to dereliction in the performance of the duties in making payment of loans without ensuring supply of implements to the loanees and deposit of adequate security from the dealers as a consequence of which the respondent-Bank was put to loss. The plea taken by the learned counsel for the delinquent that for proof of the charges none of the witnesses was examined nor any opportunity was given to cross-examine them and thus the entire enquiry was vitiated, was turned down by the Apex Court on the ground that the entire charges were based upon the documentary evidence which had already been part of the record and copies

thereof had been supplied to the petitioner.

28. In Dr. Anil Kumar Ghosh’s case, the delinquent, a senior officer at the National Institute of Cholera and Enteric Diseases, had wrongfully claimed HRA for over ten years, triggering an internal audit. Upon finding a prima facie case, departmental proceedings were initiated, leading to his removal from service. He challenged the order before the Calcutta High Court, where the Single Judge held the enquiry was vitiated due to a violation of natural justice and quashed the order. The Division Bench upheld this view. However, the Hon'ble Supreme Court reversed the finding, observing that the High Court’s view holding no misconduct even if charges were true, was shocking, especially as the officer had gained from public funds using false certificates. The Apex Court found no violation of natural justice. Though no witness list was initially provided, the delinquent himself later requested examination of municipal officials who had issued the HRA certificates. The Court noted the department had submitted those very certificates as official documents, and since their authenticity was not disputed, there was no need to examine the officials. Thus, the charges were based on undisputed documentary evidence, and the delinquent’s objection that witnesses were not produced to

prove their contents was found unsustainable.

29. There is no confrontation to the settled legal position, as has been held in the case of **T*ara Chand Vyas and Dr. Anil Kumar Ghosh*** (supra), which has been duly reiterated and re-affirmed by the learned coordinate Bench of this Court in the case of ***Anuj Kumar Singh Yadav*** (supra) that the departmental enquiries are not like trials being conducted by the Civil Courts and only documentary evidence, copies whereof have already been supplied to the delinquent can definitely be the basis of the findings of the Enquiry Officer/disciplinary authority. It is equally a well settled law that when the genuineness of the documents do not question by the delinquent, there is no need to examine witnesses in support thereof.

30. In the case of ***Anuj Kumar Singh Yadav*** (supra), the delinquent was subjected to punishment dismissal after having found the charges proved during the course of enquiry, however in the said case the Court found that not only the enquiry has been held by the competent authority and in accordance with the procedure established by law but the enquiry officer has also found sufficient evidence to arrive at a finding of guilt of the petitioner. In the said case, neither any infirmity was found in the procedure nor any order of

punishment, hence the Court did not interfere with the conclusion of the disciplinary authority. The Court while coming to the conclusion has succinctly observed that the plea about documents having not been supplied to the petitioner and the petitioner having not been granted opportunity to examine witnesses has failed in absence of any proof to the effect that he had made any application with regard to the same and what prejudice has been caused to him in case documents had not been made available to him; hence the petitioner cannot derive any benefit on this score.

31. The position is admitted in the case in hand that the charges levelled against the petitioner are not based on documentary evidence, rather the same are mandatorily required to be proved through oral evidence; all the more even the department has failed to prove the contents of the documents by producing any witnesses. With due regard in the opinion of this Court, the judgments referred hereinabove by the learned Advocate for the State are not applicable in the facts of the present case.

32. Now coming to the impugned order (Annexure-33), this Court finds that there is no discussion and deliberation to the reply to the second show-cause notice before inflicting the

punishment. The impugned order is only based upon the enquiry report, which is held to be not sustainable. The order passed by the disciplinary authority is wholly cryptic and non-speaking and unreasoned. This Court thinks it necessary to quote the relevant extract of the impugned order, which would fortify the aforenoted conclusion of this Court.

> "5. संचालन पदाधिकारी द्वारा समर्पित जांच प्रतिवेदन एवं अपचारी से प्राप्त बचाव अभिकथन तथा बिहार लोक सेवा आयोग से प्राप्त परामर्श के समीक्षोपरांत प्रमाणित आरोप अत्यंत गंभीर प्रकृति होने के कारण बिहार सरकारी सेवक (वर्गीकरण, नियंत्रण एवं अपील) नियमावली 2005 के नियम 14 (I) एव (V) के तहत 03 (तीन) वेतनवृद्धियाँ संचयी प्रभाव से रोकने का दण्ड अधिरोपित किया जाता है।"

33. It is well settled proposition of law that the reasons have been held to be the heart and soul of an order giving insight to the mind of the maker of the order, and that he considered all relevant aspect and disallowed irrelevant aspects. In the case of ***M/S Kranti Asso. Pvt. Ltd. & Anr. Vs. Masood Ahmed Khan & Ors.***, reported in ***(2010) 9 SCC 496***, the Court underscore the importance of recording of reasons by holding that a quasi-judicial authority must record reasons in support of its conclusions as it operates a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even

administrative power.

34. This Court is conscious of the fact that in a disciplinary proceeding, the charges are proved on the basis of the preponderance of probabilities and no strict proof of evidence is required, but even under such principle, there must be semblance of preponderance of probabilities based upon some legal evidence.

35. In the present case, there is no admissible evidence to support the charges. The final order must display complete application of mind to the grounds mentioned in the show cause notice, the defence taken in reply, followed by at least a brief analysis of the defence supported by reasons why it was not acceptable. To hold that the cause shown can be cursorily rejected in one line by saying that it was not satisfactory or acceptable held to be vesting of arbitrary and uncanalised powers in the authority. In a given situation if the authority concerned finds the cause shown to be difficult to deal and reject, it shall be very convenient for him not to discuss the matter and reject it by simply stating that it was not acceptable. In the case of ***Kems Services Private Limited Vs. The State of Bihar & Ors.***, reported in, ***2014(1) PLJR 622*** while making the aforenoted observation the learned Division Bench has held that

giving of reasons in such a situation is an absolute imperative and a facet of natural justice.

36. Now coming to the impugned order as contained in Memo No.2/Police-70-06/2013 Home (Police)/8509 dated 14.12.2020 (Annexure-34) passed by the Reviewing authority, this Court, prima facie, finds that the same suffers from serious illegality, as the Reviewing authority has committed similar mistake while not deliberating and discussing any of the grounds raised by the petitioner and/or the petitioner would be able to demonstrate there is some mistake or error apparent on the face of the record.

37. In view of the discussions made hereinabove, this Court finds that the impugned orders as contained in Memo No. 2/M2-70-06/2013 Home (Police)/1978 dated 25.02.2020 (Annexure-33) and Memo No.2/Police-70-06/2013 Home (Police)/8509 dated 14.12.2020 (Annexure-34) are wholly unsustainable in law and thus hereby set aside.

38. On account of setting aside the impugned orders, the consequences shall follow in accordance with law; the admissible benefits shall be restored to the petitioner preferably within a period of twelve weeks from the date of receipt/production of a copy of this order.

39. The parties shall bear their own costs.

40. The writ petition stands allowed.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.07.2025
Transmission Date	NA