

SYNOPSIS

The petitioner was appointed as Tehsildar in 1985. In 2007 the petitioner was posted as Executive Secretary, AAJVS on deputation. On 02.03.2009, memorandum of charge was issued to the petitioner proposing to hold disciplinary inquiry against the petitioner. Inquiry Officer and Presenting Officer was appointed by the disciplinary authority on 11.05.2009. The petitioner submitted representations to the disciplinary authorities praying for stay of the disciplinary proceedings, however such prayer was not acceded to by the order dated August 2009. Inquiry proceedings proceeded, witnesses were examined and brief notes by the Presenting Officer and the delinquent was submitted to the disciplinary authority. As per the information of the petitioner, the Inquiry report has also been submitted to the disciplinary authority. To utter surprise of the petitioner on 24.06.2010 the petitioner has been informed that one Additional Secretary of Govt. of India decided to conduct an inquiry against the petitioner on the same charge. By order dated 30<sup>th</sup> June 2010 the authority concerned clarified that on the basis of the order dated 16<sup>th</sup> June 2010; the inquiry officer has decided to start the inquiry from the preliminary stage. The petitioner has challenged the said action of the authorities basically on the ground that the order dated 16.06.2010 has been passed without authority. Respondent no.2 is neither the appointing authority nor the disciplinary of the authority of the petitioner. Secondly, the petitioner cannot be made to face trial again for the same charge in respect of which the inquiry is already completed. Hence this application.