43

/ Tribal Welfare) whereby it was informed to the petitioner that Smti S.K.P. Sodhi, Secretary (Social Welfare / Tribal Welfare) has decided to initiate preliminary hearing of the case on 10.07.2010.

Xerox copy of the letter dated 30th June 2010 is annexed herewith and marked as **ANNEXURE "P-13".**

17. That the action of the authorities since the beginning was bias and it continued when the authorities failed to trap the petitioner by initiating a fresh inquiry. Though the order of the respondent no.5 dated August 2009 was an unreasoned order and passed without considering the nature of the case, the petitioner participated in the inquiry without approaching the court of law. Whatsoever it is, the petitioner participated in the inquiry and after its completion waited for the decision. There was neither any reason nor any authority to appoint fresh inquiry officer after the completion of the inquiry. The order dated 16th June 2010 passed by the Additional Secretary is without any authority. This is for the reason that neither the Additional Secretary nor the Joint Secretary is the disciplinary authority of the petitioner. The petitioner is the employee on deputation under AAJVS which is an autonomous body. Being the borrowing the authority the AAJVS has the power to initiate disciplinary proceedings against the petitioner. As such, the Chief Secretary, Andaman & Nicobar Administration initiated disciplinary proceedings against the petitioner. The order dated 16.06.2010 is bad also for the reason that the petitioner cannot be made to face fresh inquiry upon the charge after the completion of an inquiry upon the same charge. This is absolutely