

Para
No.

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This Office has received certified copies of Judgment in WP no: 1151 of 2010 in Shri. Govind Ram Vs The Union of India, which is placed opposite with the forwarding letters from Ld. Advocates of the petitioner and the Respondents. The judgment is as under:-

"In the instant case, the disciplinary proceedings was initiated against the petitioner by the Chief Secretary since the C.S is also designated as Secretary, AAJVS and retains the power of the disciplinary authority i.r.t. petitioner. Therefore, I find the Chief Secretary did not commit any mistake by initiating the disciplinary proceedings against the petitioner as disciplinary authority. Subsequently, Smti. B. Bhamati, Additional Secretary claiming herself as disciplinary authority of the petitioner and issued the impugned order dated 16th June 2010 appointing new I.O to inquire into the charges farmed against the petitioner without realizing that she was not the disciplinary authority at the time of issuance of the impugned order dated 16th June 2010 in view of the fact that the petitioner herein was posted on deputation in the AAJVS at that time.

For the aforesaid reasons, the impugned Order dated 16th June 2010, passed by Additional Secretary Smti. B. Bhamati cannot be sustained in the eyes of law and the same is accordingly quashed. In view of quashing of the aforesaid order dated 16th June 2010, no step can be taken by the newly appointed IO viz.. Smti. S.K.P. Sodhi, IAS and if any step has already been taken by the said newly appointed I.O, Smti. S.K.P. Sodhi, then the same will also stand quashed as the same cannot be sustained since Smti. Bhamati, Additional Secretary, not being the disciplinary authority of the petitioner appointed the new IO Viz.. Smti. S.K.P. Sodhi to inquire into the charges farmed against the said petitioner.

In the AIO filed by the Respondent / Administration, it has been specifically admitted that the earlier IO S.K. Agrawal has already completed the inquiry and submitted the inquiry report to the CS along with the forwarding letter dated 29th December 2009.

Therefore, the CS, A&N Administration being the disciplinary authority of the petitioner is directed to take further necessary steps in relation to the disciplinary proceedings already initiated against the petitioner on the basis of the inquiry report submitted by the earlier IO Shri. S.K. Agrawal along with the forwarding letter dated 29th December 2009 without any further delay but positively within a period of 3 months from the date of communication of this Order, so that the disciplinary proceedings i.r.t. the said petitioner is concluded at an early date".