NEUTRAL CITATION NO. 2025:MPHC-JBP:17999

IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SURESH KUMAR KAIT, CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VIVEK JAIN

WRIT PETITION No. 14113 of 2017

MAHENDRA SINGH TARAM

Versus

STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Rameshwar Singh Thakur - Senior Advocate with Shri Vinayak Prasad Shah - Advocate for the petitioner.

Shri Anubhav Jain - Government Advocate for the respondent No.1/State.

Shri Aditya Adhikari - Senior Advocate with Ms. Divya Pal - Advocate for respondents No.2 and 3.

Reserved on - 25.02.2025

Pronounced on - 21.04.2025

ORDER

Per: Justice Suresh Kumar Kait, Chief Justice

1. The petitioner has filed this petition seeking the following reliefs:-

> *"(i) Summon the entire material records from the possession of the respondents pertaining to passing of impugned orders, for its kind perusal;*
>
> *(ii) Quash and set aside the impugned orders dated 02.09.2014 (Annexure-P/1) and 01.08.2016 (Annexure P/2).*
>
> *(iii) Command and direct the respondents to restore petitioner back in Judicial Service (without any break) with all consequential benefits of pay, perks and status and arrears thereof with appropriate rate of interest thereon till its realization; OR in the alternate punishment which has been imposed upon may kindly be substituted by an appropriate moderate/minor one;*
>
> *(iv) Any other order/orders, direction/ directions may also be passed;*
>
> *(v) Cost of the petition may also kindly be awarded."*

2. The petitioner by way of this petition under Article 226 of the Constitution of India has challenged the imposition of punishment of removal from service on the post of Civil Judge Class-II vide order dated 02.09.2014 (Annexure P/1) passed by the respondent No.1/Madhya Pradesh, Law and Legislative Department on the recommendation of the respondent No.2/High Court of Madhya Pradesh. The petitioner also challenged the order dated 01.08.2016 whereby his appeal/representation preferred against the order of punishment was also rejected.

3. The case of the petitioner as narrated in the petition is that he was selected through M.P. Public Service Commission on

29.07.2003 and he joined as Civil Judge Class-II (as trainee) at District Narsinghpur. After completion of training, he was posted at District Chhatarpur on 15.05.2009. Thereafter, he was transferred to Tehsil Nowgong, District Chhatarpur in December, 2009. On 03.12.2011, he was posted at Tehsil Niwas, District Mandla. It is further case of the petitioner that while he was posted at Tehsil Niwas, District Mandla, a surprise inspection was carried out on 04.12.2012 by the District Judge (Vigilance) wherein it was alleged that in three criminal cases, final verdict has been delivered by him without writing a judgment and in other two criminal cases, the same were adjourned without drawing order-sheets.

4. On the said allegations levelled against the petitioner, a show-cause notice was issued to him on 11.12.2012 annexing the article of charges to it. The petitioner replied to the said show cause notice as well as article of charges vide Annexure P/4 and P/6. However, a departmental enquiry was conducted against him. The Enquiry Officer found all the five charges proved vide enquiry reported dated 21.03.2014 and he was held guilty of grave misconduct under Rule 3 of the Madhya Pradesh Civil Services (Conduct) Rules, 1965 (for short “the Rules of 1965”). The petitioner submitted his reply in his defence requesting to absolve him from the charges levelled against him. As per resolution of the Full Court dated 19.07.2014, the Disciplinary Authority imposed a penalty of removal from service vide impugned order dated 02.09.2014 and the appeal preferred against the said punishment order was also dismissed. Hence, being aggrieved by the same, the present writ petition has been filed.

5. Heard learned counsel for the parties at length and perused the record.

6. The main thrust of the contention as raised in para 6.15 by the learned counsel for petitioner is that in the identical facts and circumstances, other similarly placed judicial officer namely Siddharth Sharma, who was also working as Civil Judge Class - II has been imposed with much lesser punishment of withholding of two increments with cumulative effect. Claiming parity with Shri Siddharth Sharma, it has been contended that while imposing punishment qua petitioner, the said fact has been totally ignored and on this count alone, the impugned order of punishment deserves to be interfered.

7. Apart from the ground of parity, the learned counsel for petitioner in his defence also contended that impugned orders are arbitrary and violative of fundamental rights as enshrined under Articles 14 and 16 of the Constitution of India. The Disciplinary Authority failed to consider the matter of petitioner independently. The evidence recorded during the Departmental Enquiry has not been considered in proper perspective. Initially admitting his mistake, it is submitted that mistake was bonafide as he was performing the duties under the pressure of workload as well as personal difficulty. Therefore, a rational and sympathetic approach leads to only conclusion of petitioner’s bonafide. He also furnished unconditional apology for such bonafide oversight. The further submission of the petitioner is that the maximum punishment of removal from service has been inflicted on the present petitioner. Moreover, the petitioner has no past record of any charges imposed

upon him. Further submitted that though the Departmental Enquiries of petitioner and Shri Siddharth Sharma are unconnected but the misconduct is in similar nature. Thus, the punishment should have been inflicted proportionate to proved misconduct. The punishment imposed on the petitioner is too excessive and should be substituted by a lesser punishment. Learned counsel for petitioner relied on a catena of judgments passed by the Apex Court in ***Rama Kant Misra Vs. State of U.P. and others*** (1982) 3 SCC 346, ***Bhagat Ram Vs State of Himachal Pradesh & others*** (1983) 2 SCC 442, ***B.C.Chaturvedi Vs. Union of India and others*** (1995) 6 SCC 749, ***Colour Chem Ltd. Vs. A.L.Alaspurkar& others*** (1998) 3 SCC 192, ***Dev Singh Vs. Punjab Tourism Development Corporation Ltd. & anr.*** (2003) 8 SCC 9 and ***Ravi Yashwant Bhoir Vs. District Collector Raigad & others*** (2012) 4 SCC 407 and contended that the Supreme Court observed that considering the misconduct alleged, the punishment of dismissal from service was too excessive and the Court in exercise of power of judicial review can substitute the maximum punishment by a lesser punishment.

8. On the other side, learned Senior Counsel appearing for respondents No.2 and 3 contradicting the averments of the petitioner, asserted in his return, which is as follows:-

> *"a. The enquiry of Shri Siddarth Sharma and petitioner Shri Mahendra Singh Taram are separate enquiries and have no connection with each other and they relate to different time frames. In other words, the enquiries are unconnected.*

b. The parity of punishment can only be pleaded in a common enquiry, which is not the case in the present case. Each enquiry is different and unique in all its respects.

c. If the charge sheet of Shri Siddarth Sharma [Annexure IA-1 with IA No. 3185 of 2025] is perused all the allegations relate to civil matters where decree was passed without connecting the judgement with the record of the cases.

d. On perusal of the charge sheet of the petitioner Shri Mahendra Singh Taram, it is clear that all the charges related to acquittal of accused persons in criminal trials without writing any judgment".

9. The submission of the learned counsel for respondents No.2 and 3 is that the departmental enquiry shared no parity in any manner and the petitioner cannot claim or take the ground of parity. He categorically submitted that all the charges levelled against the petitioner have been proved in the Departmental Enquiry and he has been rightly imposed with a punishment of removal from service as per resolution of the Full Court dated 19.07.2014 under Rule 10(viii) of the M.P. Civil Services (Classification, Control & Appeal) Rules 1966 (for short "the Rules of 1966). To fortify his submission, he relied on the judgment of the Supreme Court rendered in the case of ***State of Tamil Nadu and another Vs. M. Mangayarkarasi & others*** reported in (2019)15 SCC 515 and contended that the imposition of a penalty in disciplinary proceedings lies in the sole domain of the employer. Unless the penalty is found to be shockingly disproportionate to the charges which are proved, the element of discretion which is attributed to the employer cannot be interfered with. The relevant paras are as follows:-

> ***"11.*** *There are several reasons, in our view, why the approach of the High Court in the present case cannot be accepted.*
>
> ***11.1.*** *First, in seeking to apply the principle of parity of treatment, the High Court has manifestly failed to notice that the gravity of misconduct which was established against the appellants was distinct from and of a more serious nature than what was found against the other employees. This ex facie emerges from a perusal of the chart which has been extracted above. The nature and extent of a dereliction of duty and the consequences of the dereliction are significant matters which can legitimately be borne in mind by the disciplinary authority.*
>
> ***11.2.*** *Second, while noticing that such a submission was in fact made before the learned Single Judge, the Division Bench proceeded to apply the yardstick of parity. Parity could not be applied for the simple reason that there is a material distinction in the case of the misconduct alleged against the appellants as compared to the other employees. While the language of the charge may be similar in other cases that does not detract from the fact that the amount involved and the extent of the lack of verification in the case of the respondents is of a much higher order. The Division Bench having noticed that in a matter of this nature, the principle of parity cannot be attracted, nonetheless affirmed the view of the learned Single Judge. This is evidently erroneous.*
>
> ***11.3.*** *Third, the approach of both the learned Single Judge and the Division Bench cannot be accepted having due regard to the parameters of judicial review in disciplinary matters. The learned Single Judge substituted the penalty which was imposed by the disciplinary authority, for a penalty which appeared to the Court to be just and proper. The imposition of a penalty in disciplinary proceeding lies in the sole domain of the employer. Unless the penalty is found to be shockingly disproportionate to the charges which are proved, the element of discretion which is attributed to the employer cannot be interfered with."*

10. On perusal of the record, it is borne out that the petitioner was discharging the duties as a judicial officer. On a surprise

inspection carried out by the District Judge (Inspection and Vigilance), Jabalpur Zone on 04.12.2012, he found grave misconduct that was committed by the petitioner in his judicial work. A show cause notice (Annexure P/3) annexing the inspection report was issued to the petitioner on 11.12.2012, which was replied by petitioner on 18.12.2012 (Annexure P/4) in which he admitted the allegations stating that it was his bonafide mistake as he was performing the duties under the pressure of workload as well as personal responsibility. A detailed departmental enquiry was conducted on the resolution of Administrative Committee of High Court dated 04.03.2013.

11. On a bare perusal of the enquiry report dated 23.01.2014, following charges were levelled against the petitioner:-

> "*ARTICLE OF CHARGE - I*
>
> *Whereas, you Shri Mahendra Singh Taram, Civil Judge, Class-II, Niwari, District Mandla, in Criminal Case No.87/06 (State Vs. Krishna Kumar & Others) offence u/s 332/34 IPC acquitted the accused persons without writing the judgment and only mentioning it in the order sheet dated 26.11.12. As well as you did not write any order sheet in this case after 29.10.12 while as per board diary this case was adjourned for date 31.10.12, 07.11.12, 22.11.12 and 26.11.12.*
>
> *ARTICLE OF CHARGE - II*
>
> *That, you on 30.11.12 acquitted the accused persons in Criminal Case no.471/06 (State Vs. Guddu @ Purushottam & Others), offence u/s 279,337,338 IPC without writing any judgment, while no order sheet was drawn after 30.11.12 in this case.*
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> *ARTICLE OF CHARGE - III*
>
> *That, you in criminal case no.216/06 (State Vs. Hare Singh & Others) for the offence u/ss 447, 294, 506 IPC acquitted the accused persons on 22.11.12 without writing any Judgment.*

ARTICLE OF CHARGE - IV

That you in criminal case no. 437/09 (Ravi Kumar V. Kamal) did not draw any order sheet after 07.08.12 till the date of inspection by District Judge (I &V), Jabalpur Zone on 04.12.12.

ARTICLE OF CHARGE - V

In criminal case no.436/09, no order sheet was drawn by you after 22.05.12 till the date of surprise inspection i.e. 04.12.12 while as per Board Diary, this case was adjourned for dates 09.07.12, 07.08.12, 28.08.12 and 30.11.12."

12. After conducting a detailed enquiry, the Enquiry Officer found all the charges proved against the petitioner recording following findings on each charge, which are as under:-

"*In Cr.Case No.87/2006 State Vs. Krishna Kumar, offence u/S 325/34 IPC, without writing the judgment, the accused persons were acquitted only on the basis of order-sheet dated 26-11-12. On perusal of the record, it was found that the last order-sheet was recorded on 29-10-12 and the case was posted for final arguments but no further order-sheet was written by the petitioner. On perusal of the board diary, it was also detected that the aforesaid case was posted on the dates 31-10-12, 7-11-12, 22-11-12 and 26-11-12 but no order-sheets were recorded in the criminal case.*

The same was proved by taking statement of the counsel for the accused, in his statement the counsel for the accused has accepted the fact that the accused were acquitted on 26.11.2012 but he has no information with regards to the written judgment. The petitioner has also accepted the aforementioned charge in his statements.

On perusal of Cr.Case No.471/06, offence u/Ss 279, 337, 338, it is found that the same was decided vide Judgment dated 30.11.12, acquitting the accused persons whereas no judgment was written by the petitioner. The last order-sheet dated 30-11-12 recorded by the petitioner was not signed by him. Thus, in this case also without writing judgment, the accused was acquitted.

In Cr.Case No.216/06 u/Ss 447, 294, 506 IPC on perusal of record, it was found that vide the order-sheet dated

22.11.12, the accused were acquitted but no judgment was prepared in this case. District Judge (Inspection and Vigilance) has submitted that in all the three cases, the accused persons were acquitted without actually writing the judgment.

On perusal of Cr.Case No.436/09 and 437/09, both relating to offence u/S 138 N.I. Act, it was found that in Cr.Case No.436/09, the last order-sheet was recorded on 22-05-12 and case was fixed for 9-7-12. Thereafter, no order-sheet was recorded in the aforesaid criminal case whereas in the board- diary, aforesaid criminal case was posted on the dates such as 9-7-12, 7-8-12, 28-08- 12 and 30-11-12.

Similarly in Cr.Case No.437/09, last order- sheet was written on 7-8-12. Thereafter, till inspection, no further order-sheet was drawn up by the Petitioner."

13. The Enquiry Officer after scrutinising the matter came to the conclusion that the delivery of the judgment without writing it and adjourning the cases without drawing any order sheet by the petitioner amounts to grave misconduct, therefore the petitioner failed to maintain absolute integrity and devotion to duty as expected of a judicial officer. Such acts of petitioner being unbecoming of a judicial officer amount to grave misconduct under Rule 3 of M.P. Civil Services (Conduct) Rules, 1965. which are punishable under Rule 10 of the M.P. Civil Services (Classification, Control & Appeal) Rules 1966. The said findings have been affirmed by the Disciplinary Authority and the Full Court after considering all the material resolved to impose a penalty of removal from service.

14. To consider the ground of parity as claimed by the petitioner, we may notice that learned counsel for the respondents filed documents along with I.A.No.3185/2025, which reflect that a

disciplinary enquiry was contemplated against Shri Siddharth Sharma, who was also Civil Judge Class-II, posted at Orchha, District Tikamgarh wherein he was imposed a penalty of withholding of two increments with cumulative effect. It is also noted that the enquiry was conducted against him on two set of charges of misconduct, one charge against him was that in some civil matters, he declared the cases to be decided but no written judgments and decrees were enclosed with the record and another charge against him was that in one civil suit, though it was decided and decreed on 27.11.2007 but the record has not been deposited in the record room till 28.04.2008.

15. While claiming parity learned counsel for petitioner contended that similar lapses committed by the other judicial officer Shri Siddharth Sharma, who was posted as Civil Judge Class-II resulted in minor penalty against him i.e. withholding of two increments with cumulative effect whereas the petitioner has been imposed a major penalty of removal from service.

16. It is borne out from the record that so far as the case of Shri Siddharth Sharma is concerned, the Enquiry Officer in the disciplinary enquiry contemplated against him found the charges proved against him recording a finding that although the corrupt motive was not proved but a gross negligence in his judicial work was proved. The Administrative Committee in the meeting held on 30.04.2010 considering the said enquiry report and the reply resolved to impose a penalty of withholding of two increments with cumulative effect.

17. If considering the provisions of the Rules of 1965, rule 3 provides *as under:-*

*" **3. General.***

(1) Every Government servant shall at all times :-

(i) maintain absolute integrity;

(ii) maintain devotion to duty; and

(iii) do nothing which is unbecoming of a Government servant.

(2) (i) Every Government servant holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all Government servants for the time being under his control and authority.

(ii) No Government servant shall, in the performance of his official duties or in the exercise of the powers conferred on him, act otherwise than in his best judgement except that when he is acting under the direction of his official superior and shall, where he is acting under such direction, obtain the direction in writing, wherever practicable, and where it is not practicable to obtain the direction in writing, he shall obtain written confirmation of the direction as soon thereafter as possible.

Explanation. - Nothing in clause (ii) of sub-rule (2) shall be construed as empowering the Government servant to evade his responsibilities by seeking instructions from, or approval of, a superior officer or authority when such instructions, are not necessary under the scheme of distribution of powers and responsibilities."

18. Rule 10 of the Rules of 1966 provides as under:-

"10 Penalties.

- The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a Government servant, namely :-

***Minor penalties** :-*

(i) Censure;

(ii) Withholding of his promotion;

(iii) recovery from his pay of the whole or part of any pecuniary loss caused by him to the Government by negligence or breach of order;

(iv) withholding of increments of pay or stagnation allowance; [Substituted by Notification No. 6-2-76-3-(I), dated 24-3-1976.]

Major Penalties *:-*

(v) reduction to a lower stage in the time scale of pay for a specified period with further directions as to whether or not, the Government servant will earn increments of pay or the stagnation allowance, as the case may be, during the period, on such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the further increments of his pay or stagnation allowance;

Note. - The expression "reduction to a lower stage in the time scale of pay" shall also include reduction of pay from the stage of pay drawn by a Government servant of account of grant of stagnation allowance of any.

(vi) reduction to a lower time scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the Government servant to the time scale of pay, grade, post or service from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post or service from which the Government servant was reduced and his seniority and pay on such restoration to that grade, post or service;

(vii) compulsory retirement;

(viii) removal from service which shall not be a disqualification for future employment under the Government;

(ix) dismissal from service which shall ordinarily be a disqualification for future employment under the Government.".

19. Recently, the Apex Court in the case of ***Registrar General, High Court of Karnataka and Another Vs M. Narasimha Prasad*** reported in 2023 SCC OnLine SC 376 considering the similar issue observed as under:-

"12. Once those charges which revolve around the manner of disposal of certain cases are ignored, what remains are certain serious charges that revolve around pronouncement of operative portion of the judgment in open court without the whole text of the judgment being ready. Take for instance, Charge Nos. 1, 2, 4 and 5 in DI

No. 3/2005. These Charges are very serious in nature, where the respondent is alleged to have pronounced the operative portion of the judgment in open court without the whole of the judgment being ready. Similarly Charge No. 1 in DI No. 5/2005 related to the conduct of auction sale of properties, seized during the investigation. These are very serious in nature and the reply given by the respondent to these charges is wishy washy.

13. A judicial officer cannot pronounce the concluding portion of his judgment in open court without the entire text of the judgment being prepared/dictated. All that the respondent has done in the departmental enquiry is just to pass on the responsibility to the inefficient and allegedly novice stenographer. We do not know how the findings with regard to such serious charges have been completely white-washed by the High Court in the impugned judgment.

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15. It is true that some of the charges revolve around judicial pronouncements and the judicial decision-making processes and that they cannot per se, without anything more, form the foundation for departmental proceedings. Therefore, we are ignoring those charges. But the charges which revolve around gross negligence and callousness on the part of the respondent in not preparing/dictating judgments, but providing a fait accompli, is completely unacceptable and unbecoming of a judicial officer.

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17. While considering a challenge to an order of penalty imposed upon a judicial officer pursuant to the disciplinary proceedings followed by a resolution of the Full Court of the High Court, the Court is obliged only to go by established parameters namely, (i) whether the charges stood proved; (ii) whether the findings of the inquiry officer are reasonable and probable and not perverse; (iii) whether the rules of procedure and the principles of natural justice have been followed; and (iv) whether the penalty is completely disproportionate, especially in the light of the gravity of the misconduct, his past record of service and any other extenuating circumstances.

> *18. Unfortunately, the High Court did not test the correctness of the order of penalty in this case, on the above parameters. Instead, the High Court has recorded a finding in Paragraph 26 of the impugned order, as though the learned judges had first hand information about the problems that the judicial officers faced at the lower level. The opinion of the High Court in Paragraph 26 of the impugned order that the acts of omission and commission attributed to the respondent do not constitute grave misconduct, is very-very curious. Adding fuel to fire, the High Court has recorded in Paragraph 36 of the impugned order that "dismissing him from service itself is very atrocious". Such a finding is nothing but a veiled attack on the Full Court of the High Court. After holding so, the High Court has gone to the extent of certifying the respondent as an innocent and honest officer. We do not know wherefrom the High Court came to such a conclusion."*

20. The Apex Court in the case of ***Union of India & others Vs. Ex.Constable Ram Karan*** in Civil Appeal Nos.6723 of 2021 decided on 11.11.2021 held as under:-

> *"24. The principles have been culled out by a three-Judge Bench of this Court way back in **B.C. Chaturvedi vs. Union of India and Others (1995) 6 SCC 749** wherein it was observed as under:-*
>
> *"18. A review of the above legal position would establish that the disciplinary authority, and on appeal the appellate authority, being fact-finding authorities have exclusive power to consider the evidence with a view to maintain discipline. They are invested with the discretion to impose appropriate punishment keeping in view the magnitude or gravity of the misconduct. The High Court/Tribunal, while exercising the power of judicial review, cannot normally substitute its own conclusion on penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal, it would appropriately mould the relief, either directing the disciplinary/appellate authority to reconsider the penalty imposed, or to shorten the litigation, it may itself, in exceptional and rare cases,*

impose appropriate punishment with cogent reasons in support thereof."

25. It has been further examined by this Court in ***Lucknow Kshetriya Gramin Bank (Now Allahabad, Uttar Pradesh Gramin Bank) and Another vs. Rajendra Singh*** *(2013) 12 SCC 372 as under:-*

> *"19. The principles discussed above can be summed up and summarised as follows:*
>
> *19.1. When charge(s) of misconduct is proved in an enquiry the quantum of punishment to be imposed in a particular case is essentially the domain of the departmental authorities.*
>
> *19.2. The courts cannot assume the function of disciplinary/departmental authorities and to decide the quantum of punishment and nature of penalty to be awarded, as this function is exclusively within the jurisdiction of the competent authority.*
>
> *19.3. Limited judicial review is available to interfere with the punishment imposed by the disciplinary authority, only in cases where such penalty is found to be shocking to the conscience of the court.*
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> *19.4. Even in such a case when the punishment is set aside as shockingly disproportionate to the nature of charges framed against the delinquent employee, the appropriate course of action is to remit the matter back to the disciplinary authority or the appellate authority with direction to pass appropriate order of penalty. The court by itself cannot mandate as to what should be the penalty in such a case.*
>
> *19.5. The only exception to the principle stated in para 19.4 above, would be in those cases where the co-delinquent is awarded lesser punishment by the disciplinary authority even when the charges of misconduct were identical or the co-delinquent was foisted with more serious charges. This would be on the doctrine of equality when it is found that*

> *the employee concerned and the co-delinquent are equally placed. However, there has to be a complete parity between the two, not only in respect of nature of charge but subsequent conduct as well after the service of charge-sheet in the two cases. If the co-delinquent accepts the charges, indicating remorse with unqualified apology, lesser punishment to him would be justifiable."*

21. When we look into the record, it is noted that all the five charges were proved against the petitioner. The charges are of grave misconduct that he acquitted the accused in criminal trials without writing a judgment, which are obviously of serious nature. The same cannot be condoned. All the charges levelled against him are relating to criminal cases. He was afforded due opportunity of hearing to put his defence and after considering his reply, the said decision was taken by the Disciplinary Authority and the Full Court. The scope of judicial review is very limited in such a case.

22. The petitioner is claiming parity with Shri Siddharth Sharma, who was not a co-delinquent at all. In that case, charges levelled against him were different from the case in hand. There were two charges levelled against him, one is related to the civil matters in which he pronounced judgments but without writing it and second charge is that he decided the civil matter but record has not been deposited in the record-room. The Disciplinary Authority after due consideration awarded him punishment of withholding two increments with cumulative effect. The charges which were levelled against Shri Siddharth Sharma are different in comparison to the charges of the petitioner; therefore, the petitioner cannot claim negative parity with the other, inasmuch as both the disciplinary

proceedings conducted against them are different and not on similar footing.

23. Consequently, in view of the above discussion and established position of law, we do not find any illegality or perversity in the impugned orders passed by the respondents imposing punishment of removal from service that calls for any interference. Accordingly, finding no merit in the petition, the same is hereby dismissed with no order as to costs.

(SURESH KUMAR KAIT)
CHIEF JUSTICE

(VIVEK JAIN)
JUDGE

C.