IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15706 of 2021

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Satyendra Narayan Singh, Son of Chandrama Singh, R/o Village-Thubha Mohan, PO-Hazauli, P.S.-Garwar, District-Baliya (Uttar Pradesh).

... ... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Government of Bihar, Patna.
2. The Joint Secretary, Government of Bihar, Patna.
3. The Joint Secretary, Social Welfare Department, Government of Bihar, Patna.
4. The Additional Secretary, Social Welfare Department cum Conducting Officer Govt. of Bihar, Patna.
5. The Assistant Director Social Welfare Department cum Conducting Officer Govt. of Bihar, Patna.
6. Supertended of Police, Vigilance Investigation Bureau, Patna.
7. The District Programme Officer, Buxar.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Nivedita Nirvikar, Sr. Advocate with Ms. Shashipriya, Adv. Mr. Shashank Shekhar, Adv. Ms. Smita Bharti, Adv. Mr. Praveen Kumar, Adv.
For the State	:	Mr. S. K. Mandal, SC 3 with Mr. Bipin Kumar, AC to SC 3
For the Vigilance	:	Mr. Anil Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

CAV JUDGMENT

Date : 01-08-2025

This Court has heard Ms. Nivedita Nirvikar, learned Senior Advocate with Ms. Shashipriya, learned Advocate for the petitioner. The State is represented through Mr. Bipin Kumar, learned Advocate. Mr. Anil Singh, learned Advocate appears for the Vigilance Investigation Bureau.

2. The challenge made in the present writ petition is

the order contained in Memo No. 5824 dated 10.10.2018 issued under the signature of the respondent no. 2, the Joint Secretary, Department of Home, Government of Bihar, whereby the petitioner has been dismissed from service. The grievance has also been raised that the petitioner has not even been extended the subsistence allowance during the period of suspension for the period with effect from 25.04.2016 to 10.10.2018.

3. The factual matrix of the case as culled out from the materials on record reveals that the petitioner was duly appointed as an Assistant Director, District Child Protection Unit with additional charge of District Programme Officer on 13.03.2014. While the petitioner was discharging the duty on the post afore noted, in the meanwhile, allegedly while accepting a bribe of Rs.50,000/- from one Bir Bahadur Singh, he was caught red handed, which led to institution of Vigilance P.S. Case No. 54 of 2016 registered for the offences punishable under Sections 7/8/13(2) read with section 13(1)(d) of the Prevention of Corruption Act, 1988.

4. In the aforesaid premise, the Superintendent of Police, Vigilance Investigation Bureau recommended for action against the petitioner under Rule 99 of the Bihar Service Code; acting on the recommendation, the Joint Secretary, Government

of Bihar vide Memo No. 3105 dated 13.07.2016 placed the petitioner under suspension. Subsequent thereto, a memo of charge was framed under Memo No. 301 dated 27.05.2017 alleging therein that the act of the petitioner of accepting bribe constitutes a grave misconduct under Rule 3(i) of the Bihar Government Servant's Conduct Rules, 1976 (hereinafter referred to as 'Rules, 1976'). Explanation was sought for vide Memo No. 3180 dated 18.07.2017 under the signature of the respondent no. 2; the petitioner denied the charges levelled against him and submitted a detailed explanation. In the meanwhile, another supplementary charge sheet vide Memo No. 4162 dated 06.09.2017 was served upon the petitioner and explanation was again sought for, the same was responded by the petitioner, denying all the allegations. Explanation of the petitioner did not find favour and finally the departmental proceeding was initiated against the petitioner vide Memo No. 4927 dated 18.10.2017. The Additional Secretary, Social Welfare Department was made the Enquiry Officer where the Assistant Direcor, Social Welfare Department as the Presenting Officer. The petitioner was served with the show cause along with memo of charge and the supporting documents and directed to appear before the Enquiry Officer.

5. The petitioner entered his appearance and submitted his written defence. It is categorically stated that he has been made a victim of conspiracy hatched by the complainant to take revenge for the show cause issued to his wife, Smt. Poonam Devi, who was found indulged in malpractices while running a Anganbadi Centre No. 55 at Village Katgharwan, Blok-Chausa, District Buxar. The enquiry was finally culminated into submission of the enquiry report to the Joint Secretary (Vigilance) Social Welfare Department. The Enquiry Officer held the petitioner guilty of misconduct in terms with Section 3 of the Rules, 1976.

6. The petitioner was served with the second show cause which was also responded by the petitioner, however, on being not satisfied, the impugned order of dismissal came to be passed under the provisions of Rule 14(xi) of the Bihar Government Servants (Classification Control & Appeal) Rules, 2005 (hereinafter referred to as the ‘Rules, 2005’) by the disciplinary authority.

7. Learned Senior Advocate while assailing the impugned order of dismissal has submitted that the very initiation of the disciplinary proceeding is bad in law for the simple reason that the petitioner has been deprived from the

subsistence allowance and compelled to participate in the disciplinary proceeding. The charges against the petitioner have not been framed within three months from the date of suspension order, contrary to the provisions incorporated under Rule 7 of the Rules 2005. The Enquiry Officer conducted the enquiry in a very mechanical manner and failed to follow the mandatory prescriptions as laid down in Rules, 2005. The respondent authorities did not provide the list of documents and witnesses to the petitioner by which each article of charge was proposed to be proved. It is the contention of the learned Senior Advocate that the charges framed against the petitioner stood proved based upon the vigilance report without examination of the witnesses in support of the charge before the Enquiry Officer. Reliance has also been placed on a decision rendered by the Apex Court in the case of ***Roop Singh Negi vs. Punjab National Bank & Ors.[(2009) 2 SCC 570]*** as also the decision in the case of ***Sher Bahadur vs. Union of India & Ors. [(2002) 7 SCC 142]***.

8. It is further contended that the Enquiry Officer has conducted the enquiry with a close mind and in a perfunctory manner. To buttress the afore noted submission, reliance has also been placed on a decision rendered by the Apex Court in

the case of ***State of Uttar Pradesh & Ors. vs. Saroj Kumar Sinha [(2010) 2 SCC 772]***. The report submitted by the conducting officer without recommendation for punishment and even the second show cause issued by the disciplinary authority without any cause being shown to the extent that in case he would be found guilty, he could be punished and inflicted with the punishment of dismissal, is also in violation of the principles of natural justice. The entire enquiry and the proceeding is said to have been conducted without giving a fair and reasonable opportunity for leading evidence and the finding of the Enquiry Officer is based upon only post trap memorandum prepared by the Deputy Superintendent of Police. The relevant fact that the alleged money was recovered from one Rakesh Kumar has been not taken note of in course of enquiry, that too, when said Rakesh Kumar has not stated in his statement that money was taken on behalf of the petitioner for providing any official favour to the complainant.

9. Reliance has also been placed on a Bench decision of this Court in the case of ***Umesh Kumar Sinha vs. The State of Bihar & Ors. (CWJC No. 6902 of 2022)*** and further ***Pankaj Kumar vs. The State of Bihar &Ors. (CWJC No. 5042 of 2016),*** where the learned coordinate Bench has been pleased to

set aside the impugned order of dismissal on account of the delinquent officer was punished only on the basis of vigilance trap memo, but the contents thereof was not proved by the maker of the trap memo before the Enquiry Officer.

10. *Per contra*, learned Advocate for the State submitted that the petitioner, who was holding such a higher post, was caught red handed by the Vigilance while accepting a bribe of Rs.50,000/-. The pre and post trap memorandum clearly suggests his involvement. Mere deviation in conducting the departmental proceeding, which is minor in nature and no prejudice is caused, cannot absolve the petitioner from his guilt. The petitioner was given ample opportunity in the enquiry but in most of the dates fixed for enquiry, he did not turn up and after a detailed enquiry and considering the reply of the petitioner as well as the materials on record, the Enquiry Officer has returned the finding of guilt against the petitioner. The disciplinary authority has also given proper opportunity and allowed the petitioner to file reply to the second show cause notice and after proper consideration, the impugned orders of dismissal came to be passed, after having proper consultation with the Bihar Public Service Commission. There is no illegality in the decision making process and the writ petition is devoid of merit.

Moreover, the Court while exercising power of judicial review ought not to re-appreciate the evidence, besides the petitioner have had an alternative remedy of review in the form of memorial.

11. Learned Advocate for the Vigilance adopts the submissions afore noted advanced by the learned Advocate for the State with an addition that the raid was conducted by the Vigilance Investigation Bureau wherein the petitioner was caught red handed while accepting a bribe and during the course of investigation materials have been collected which suggest the involvement of the petitioner.

12. Having bestowed the anxious consideration to the submissions advanced on behalf of the learned advocates for the respective parties and after perusal of the materials available on record, this Court is of the firm view that the charge of corruption is rather a serious charge and if found in a disciplinary proceeding, the opinion expressed by the disciplinary authority based upon the enquiry report cannot be interfered with on any of the reason, much less on a misplaced sympathy.

13. Before proceeding further, it would be relevant to reiterate the observation made by the Apex Court in the case of

The Secretary, Ministry Of Defence & Ors vs Prabhash Chandra Mirdha [AIR 2012 SC 2250] that the gravity of charge is also a relevant factor. Re-enforcing the aforesaid proposition, the Apex Court in the case of ***Brajendra Singh Yambem vs Union Of India and Anr [(2016) 9 SCC 20]*** has observed that gravity of charge is a relevant factor in trap cases, mere technical flaw would not be sufficient to set aside the order passed on such misconduct. The Supreme Court did not grant indulgence after noticing the fact of procedural lapses which was found to be only irregular. It is trite that an extreme charge of such nature warrants an extreme action and there cannot be any dispute on the principles but nonetheless any action initiated by the State in this direction should be lawful by following the prescribed statutory procedures.

14. A Bench of this Court, in the case of ***Uday Pratap Singh Vs. State of Bihar & Ors. [2017(4) PLJR 195],*** highlighting the afore noted settled legal position, cautioned that it is not on mere whims and fancies that any opinion should be formed by the disciplinary authority merely on the seriousness of charge rather before any final opinion is expressed on the charge, the Disciplinary Authority is under a lawful obligation to follow the procedure prescribed under the service rules.

15. As regards the scope of Article 226 of the Constitution in dealing with the departmental enquiries has been considered on various occasions in different cases and it has been crystallized that the scope of judicial review is limited to the deficiency in the decision making process and not the decision. It has been repeatedly reminded that the Court would not go into the correctness of the choice made by the disciplinary authority open to him and the Court should not substitute its decision to that of the authorities concerned. In disciplinary proceeding the Court cannot act as a second court of first appeal and shall not venture into re-appreciation 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.

[vide: ***Union Of India & Ors vs P.Gunasekaran [(2015) 2 SCC 610]"***

16. It would be pertinent to state here that as regards the power of the High Court to re-appreciate the fact, the Apex Court in the case of ***Bharti Airtel Limited Vs. A.S. Raghavendra [(2024) 6 SCC 418***] has ruled that 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.

17. Before proceeding further, it would be pertinent to state here that the rule of exclusion of writ jurisdiction due to availability of an alternative remedy is a rule of discretion and not one of compulsion. In an appropriate case, inspite of the availability of alternative remedy a writ Court may still exercise its discretionary jurisdiction of judicial review. The Apex Court in the case of ***Whirlpool Corporation vs Registrar Of Trade Marks, Mumbai & Ors. [(1998) 8 SCC 1]*** held that the writ

petition against an order which has been passed in violation of the principles of natural justice as maintainable notwithstanding the availability of alternative remedy. In the case in hand, even if the petitioner has had remedy of review but the scope of such remedy is confined to the extent of error apparent on the face of the record and further enumerated in Rule 23 of the Rules, 2005. Hence, the Court is proceeded to decide the matter on merit.

18. Coming to the issue of default in extending subsistence allowance, it would be relevant to take note of the observation made by the Hon'ble Supreme Court in the case of ***State Of Maharashtra vs Chandrabhan Tale [1983 (3) SCC 387]*** wherein the Court held that effect of non payment of subsistence allowance may be proved fatal. The principles has also been reiterated in ***Capt. M. Paul Anthony vs. Bharat Gold Mines Ltd. & Anr. [(1999) 3 SCC 679]*** where the Court held as follows:

> *"Suspension notwithstanding, non-payment of Subsistence Allowance is an inhuman act which has an unpropitious effect on the life of an employee. When the employee is placed under suspension, he is demobilised and the salary is also paid to him at a reduced rate under the nick name of 'subsistence allowance', so that the employee may sustain himself. If, therefore, even that amount is not paid, then the very object of paying the reduced salary to the employee during the period of suspension would be frustrated. The act of non-payment of Subsistence*

Allowance can be likened to slow-poisoning as the employee, if not permitted to sustain himself on account of non-payment of Subsistence Allowance, would gradually starve himself to death."

19. So far the contention of the learned Senior Advocate to the extent that the respondent authorities failed to comply with the provision under rule 9(7) of the Rules, 2005 as the charge sheet could not be framed within three months from the date of issuance of suspension order is only confined to the illegality of continuance of the suspension and in no way affect the memo of charge or the disciplinary proceeding initiated thereupon.

20. Coming to the provisions underlying rule 17(3) of Rules 2005 inter alia described the manner in which charge memo is to be framed and includes:

(a) the substance of the imputations of misconduct or misbehaviour as a definite and distinct article of charge;

(b) a statement of the imputations of misconduct or misbehaviour in support of each article of charge;

(c) a statement of all relevant facts including any admission or confession of the Government Servant; and

(d) a list of such document, witnesses by whom the articles of charge is to be framed.

21. In so far as the present case is concerned, the charge memo simply refers to the vigilance enquiry report with no oral witnesses named therein.

22. Rule 17(4) of Rules, 2005 further obligates the disciplinary authority to deliver or cause to be delivered to the Government Servant a copy of the articles of charge, such statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article of charge is proposed to be sustained and shall require the Government Servant to submit, within such time as may be specified, a written statement of his defence.

23. In the case in hand, the charge memo as also the supplementary memo of charge simply refers to Memo No. 1204 dated 06.06.2016 issued by the Superintendent of Police, Vigilance Investigation Burea, Bihar informing the disciplinary authority regarding the involvement of the petitioner in the crime of acceptance of bribe leading to institution of the FIR. Apart from the letter aforesaid, there is no other documentary evidence or any oral witnesses named therein.

24. In ***Roop Singh Negi*** (supra), the Hon'ble Supreme Court while emphasizing the impartial role of the Enquiry Officer in a departmental proceeding has observed that *"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. It is cautioned that the purported evidence collected during investigation by the Investigating Officer against the accused by itself could not be treated to be evidence in the disciplinary proceeding. No witness was examined to prove the said documents. The management witnesses merely tendered the documents and did not prove the contents thereof. Reliance, inter alia, was placed by the Enquiry Officer on the FIR which could not have been treated as evidence." In the case in hand, the trap memo was the basic evidence, whereupon reliance has been placed by the Enquiry Officer but none of member of the raiding party either pre and post trap was examined to prove the charge of demand and acceptance of bribe.

25. This fact cannot be overlooked that the complainant Bir Bahadur Singh was examined during the course of enquiry and he submitted that so far the demand of bribe is concerned, the same was made by the driver, Rakesh Kumar and it is he who accepted the bribe of Rs.50,000/- The driver Rakesh Kumar was also produced in course of enquiry. However, he

denied all the allegations and submitted that the entire pre and post memorandum as well as the FIR was prepared in a Hotel at the distance of 10 kilometers and he was asked to make signature thereupon. Both the witnesses were never cross examined as it has been said that the petitioner failed to participate in the enquiry despite information given to him.

26. In ***Saroj Kumar Sinha*** (supra), the Hon'ble Supreme Court while highlighting the procedural fairness as an indispensable essence of liberty has ruled that the departmental enquiry is conducted against the government servant cannot be treated as a casual exercise. The rules of natural justice are required to be observed to ensure not only that justice is done but is manifestly seen to be done. The very object of rules of natural justice is to ensure that a government servant is treated fairly in proceedings which may culminate in imposition of punishment including dismissal/removal from service. It would be worth benefiting to encapsulate paragraph no. 28 thereof hereunder:

> *"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."

27. When a government servant is facing a disciplinary proceeding he is entitled to be afforded a reasonable opportunity to meet the charges against him in an effective manner. The Court in ***Kashinath Dikshita vs Union Of India and Ors [(1986) 3 SCC 229]*** has held that in case the enquiry proceeding had been challenged on the ground that non supply of statement of witnesses and copy of the documents it resulted in the breach of rules of natural justice. An employee facing the departmental inquiry can effectively meet the charges unless the copies of the relevant documents to be used against him are made available to him. In absence of such copies how can an employee concerned prepare his defence, cross examine the witnesses and point out the inconsistencies with a view to show that the allegations are incredible. During the entire enquiry, nothing has been brought on record as to what role has been played by the Presenting Officer and in fact the enquiry report does not even talk about the Presenting Officer. Rule 17(14) of the Rules, 2005 casts a specific duty upon the Enquiry Officer

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 may be cross-examined by or on behalf of the Government Servant. The Enquiry Officer may, after completion of the production of evidence, hear the Presenting Officer or permit them to file written brief of their respective cases, if they so desire. However, there is no such report on the part of the Enquiry Officer.

28. At this juncture, it would be relevant to refer to a judgment in the case of ***Panchanan Kumar vs. The Bihar State Electricity Board & Ors. [1996(1) PLJR 401]*** in which though the Presenting Officer was appointed but he failed to discharge his obligation and in his absence his role was assumed by the Enquiry Officer. The opinion of the Court is reproduced hereinbelow:

> *"Considering the rival contentions of the parties, this Court is of the opinion that in the instant case the inquiry has been vitiated inasmuch as the enquiry officer himself has acted as the presenting officer even though the presenting officer was appointed by the Electricity Board. There is no explanation why the said presenting officer did not appear before the enquiry officer to present the case of the department. In the peculiar facts of this case, the action of the*

enquiry officer to present the case himself on behalf of the department and also to take upon himself the duty of enquiring the correctness or otherwise of the said case clearly shows that the enquiry officer, in the instant case, has failed to discharge his duty as a fair and impartial enquiry authority. He has rolled up within himself the role of both the presenting officer and the enquiry officer and as such has acted in a manner which is not consistent with the principles of natural justice. ……..” .

29. This Court is also not unmindful of the settled position that the disciplinary proceeding is a quasi judicial proceeding and strict compliance of Evidence Act is not required. However, the principles of natural justice demands that the delinquent should be given an opportunity to refute the charge levelled against him by the disciplinary authority. It is also true that in a disciplinary proceedings charges are proved on the basis of preponderance of probabilities and are not required to be proved beyond all its reasonable doubt unlike the criminal case but in absence of proof of demand of illegal gratification, mere recovery of tainted currency notes, that too, from another person could be enough to establish the commission of offence is serious concern.

30. Now coming to the impugned order, inflicting punishment of dismissal, there is no deliberation or discussion to the second show cause reply submitted by the petitioner,

which makes the entire procedure of asking the second show cause reply upon the enquiry report from the delinquent redundant. The opportunity offered to the delinquent against the inconsistencies committed by the Enquiry Officer in course of enquiry and failure on the part of the Enquiry Officer and/or Presenting Officer in following the procedures are required to be looked into by the disciplinary authority and for the said purpose this procedure of giving second show cause notice is incorporated in the rules. A disciplinary authority before inflicting harshest punishment is obliged to consider the explanation of the petitioner. The significance of recording of reasons has been underscored by the Apex Court in catena of decisions. In the case of ***M/S Kranti Asso. Pvt. Ltd. & Anr vs Masood Ahmed Khan & Ors., [(2010) 9 SCC 496]*** has summarized the significance of recording of reasons by holding that a quasi judicial authority must record reasons in support of its conclusion; it operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.

31. 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.** Reference may be taken to a Division Bench decision of this Court in the case of ***Kems Services Private Limited Vs. The State of Bihar & Ors. [2014(1) PLJR 622]***

32. Learned Division Bench of this Court in the case of ***Satyendra Kumar vs. The State of Bihar & Ors. [LPA No. 1326 of 2019]*** has also observed that the impugned order(s) inflicting even minor punishment must reflect reference to the reply filed on behalf of the delinquent, failing which the impugned order shall be vulnerable to interfere on account of non application of mind. The order impugned herein before inflicting punishment only says as follows:

> *''संचालन पदाधिकारी ने अपने पत्रांक–546, दिनांक– 24.01.2018 द्वारा जॉच प्रतिवेदन विभाग को समर्पित किया गया। जिसमें श्री सिंह के विरूद्ध लगाये गये आरोप को प्रमाणित पाया गया। प्रमाणित आरोपों के लिए आरोपी पदाधिकारी से विभागीय पत्रांक–574, दिनांक–25.01.2018, पत्रांक–1373, दिनांक–07.03.2018 एवं पत्रांक–1963, दिनांक–03.04.2018 द्वारा द्वितीय कारण पृच्छा की मॉग की गयी थी जिसके आलोक में आरोपी पदाधिकारी ने अपने पत्रांक– शून्य दिनांक–16.04.2018 द्वारा द्वितीय कारण पृच्छा का जवाब समर्पित किया। जिसके समीक्षोपरांत अनुशासनिक प्राधिकार द्वारा प्रमाणित आरोपों के लिए बिहार सरकारी सेवक (वर्गीकरण, नियंत्रण एवं अपील) नियमावली–2005 के नियम–14 (xi) के तहत इन्हें सेवा से बर्खास्त करने एवं निलंबन अवधि के लिए जीवन निर्वाह भत्ता के अतिरिक्त कोई अन्य भुगतान नहीं करने का निर्णय लिया*

गया।"

Emphasis supplied

33. Bare perusal of the order afore noted, this Court has no hesitation to hold it cryptic and non speaking.

34. In view of the discussions made hereinabove and the reasons assigned, this Court is of the opinion that the impugned order inflicting punishment of dismissal suffers from afore mentioned infirmities and, as such, fit to be set aside. Accordingly, the notification as contained in Memo No. 5824 dated 10.10.2018 stands set aside. The writ petition is hereby allowed, however, with liberty to the respondent State authorities to take appropriate action against the petitioner, if the outcome of the criminal case goes against him.

35. On account of the impugned orders and the orders issued in consequent thereto, having been set aside, now the question would arise with respect to entitlement of back wages. Suffice it to observe that in case of wrongful dismissal/termination of service, reinstatement with continuity of service and back wages is the normal rule, subject to the rider that while deciding the issue of back wages, the adjudicating authority or Court may take into consideration various materials including the length of service, the financial conditions of the

employer, the nature of misconduct if found proved and similar other factors [Vide: ***Deepali Gundu Surwase vs Kranti Junior Adhyapak & Ors, (2013) 10 SCC 324]***.

36. The respondent authorities are also at liberty to take a decision for extending the consequential benefits in light of the principles enunciated in the afore noted decisions.

37. The writ petition stands allowed. There shall be no order as to cost.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	17.06.2025
Uploading Date	04.08.2025
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