

Rewat Dan Vs. State of Rajasthan

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Court : Rajasthan

Decided On : Feb-07-1975

Reported in : 1975(8)WLN825

Judge : Kan Singh, J.

Appeal No. : S.B. Civil Writ Petition Nos. 2027 and 2029 of 1970

Appellant : Rewat Dan

Respondent : State of Rajasthan

Disposition : Petition allowed

Judgement :

Kan Singh, J.

1. These are two writ petitions by a Sarpanch under Article 226 of the Constitution and as they raise common questions, they were heard together. They can conveniently be disposed of by one judgment.

2. On 31-8-70 two orders were passed by the Government removing Shri Rewat Dan Sarpanch, from the Office of the Sarpanch of Gram Panchayat, Mathama. In writ petition No. 2027 of 1970, the order of removal is Ex. 4 and in the other writ petition it is Ex. 8. The orders were passed in consequence of the inquiries held against the Sarpanch. I may narrate the facts of the writ petition No. 2027 of 1970

for appreciating the points arising for consideration.

3. The petitioner was elected as Sarpanch of the Gram panchayat, Mathura in the year 1960 for the first time. He was again elected as a Sarpanch at the next elections held in the year 1965. He states that as he belonged to Praja Socialist Party and as he had contested the Assembly elections against a Congress candidate, he incurred the displeasure of the ruling party. The Panchas of the Gram Panchayat, according to him, were persuaded to put obstructions in the smooth working of the Panchayat. An inquiry was started against him in accordance with Rule 21(2) of the Rajasthan Panchayat and Nyaya Panchayat (General) Rules 1961, hereinafter to be referred as 'the Rules', by the Sub-Divisional Officer, Phalodi. On 9-2-66 the petitioner had been placed under suspension. The petitioner challenged the order of his suspension in this Court by writ petition No. 150 of 1966 and that order was set aside. The Inquiry commenced against him by the Sub-Divisional Officer, (sic), resulted in an order of removal, but on a review petition filed by the petitioner the Government set aside that order and the petitioner was reinstated. Thereafter in the year 1968 the petitioner was served with a fresh charge sheet, and was again suspended on 7-3-68. As the inquiry was not being started while the order of suspension was being continued, the petitioner filed a writ petition in this Court which was No. 436 of 1968. This writ petition was allowed by this Court on 29-7-68, and the Government was directed to conclude the inquiry within three weeks, failing which the order of suspension would stand revoked. It is not necessary to recapitulate everything that the petitioner has asserted in the writ petition suffice it to say that the impugned orders were passed in pursuance of the charges served on the petitioner on 26-7-66. Ex. 1 was a notice calling upon the petitioner to file his reply to the charges by 26-5-66 and Ex. 2 were the charges. Charge No. 1 was to the effect that in the order sheet of a case for the sale of Abadi land after the order dated 27-6-1965, was recorded the petitioner had made an interpolation by inserting a sentence that the land had been sold & he had thereby abused his position as a Sarpanch, Charge No. 2 was that the Sarpanch had sold 108 Sq. Gaz of land only for a sum of Rs. 3/- and this was irregular, as no auction had been held by him. The third charge was that he had disobeyed a stay order made by the Standing Committee of the Panchayat Samiti of the area. An Enquiry Office was appointed by the Govt. for making the

inquiry & on the basis of the report of the enquiry officer the Government gave a notice to the Sarpanch to show cause why he be not removed from Office and thereafter the Government passed the order of removal, Ex. 4 on 31-8-70. The petitioner states that this order of removal was illegal because :

(1) the matter has not been examined by the Government properly on a preliminary inquiry as required by Rule 21 of the Rules

(2) the petitioner was not given a reasonable hearing as envisaged by Rule 22(1) of the Rules which lays down that the State Government or the authority referred to in Sub-rule

(3) of Rule 20 shall consider the findings of the inquiry Officer, afford reasonable hearing to the person charged and thereafter pass such order as the Government in the Local-Self Government Department, but the case was adjourned from time to time. He was finally called upon to appear for hearing before he the passing of the impugned order, but he had written a postcard to the Deputy Minister praying that the hearing be held at Jodhpur as the petitioner being a patient of Asthama was not able to under take the journey to Jaipur at the time. He added that in the eve of the case being not taken at Jodhpur he would be aking a chance to appear before the Deputy Minister at Jaipur inspite of his difficulties. The petitioner further States that he did not receive any reply to his postcard and he was eventually visited with the impugned order. The petitioner, besides challenging the order on the ground that it was passed on contravention of Rule 22 of the Rules as well as in violation of the principles of natural justice, submits that the order is not sustainable as it is based on no evidence and further it is not a speaking order in the sense that no reasons are contained in the order. Further the petitioner submits that the order was discriminatory in that he has been singled out for punishment although the other Panchas too were signatories to the order in respect of which the charge was framed against the petitioner.

4. The writ petition has been opposed by the State. It is denied that the order of petitioner's removal was illegal on any of the grounds taken by the petitioner. It is denied that the Government had any animus against the petitioner. It is submitted that the on Shivdan had applied for the grant of land and in that case one

Jaikishen Champalal had filed an objection against the issue of Patta. Therefore, the Panchayat was not authorized to issue Patta to Shivdan without following the procedure laid down by Rule 269 of the Rules. It was submitted that on a complaint being received against the petitioner a preliminary inquiry was held under orders of the Collector and a report of the preliminary inquiry was submitted to the Government and it was thereafter that the Government served the petitioner with the charges and the regular inquiry was held. On the basis of the inquiry report the Government gave a show cause notice to the petitioner why he be not removed, the petitioner submitted his reply to the show cause notice regarding his removal. He was afforded a number of opportunities to attend the hearing and have his say, but the petitioner never appeared before the Deputy Minister on one pretext or the other pleading illness. He never produced any medical certificate regarding his alleged illness and after each and every hearing he was informed to appear at the next hearing. It is denied that the order of removal was not based on any evidence. As regarding the plea about contravention of Rule 22 of the Rules or the principles of natural justice for that matter, it is maintained that there was no violation of the relevant rules or the principles of natural justice in this behalf as according to the State, the petitioner had been afforded ample opportunity to have his say in the matter. It was further submitted that the petitioner never asked for the inquiry report and, therefore, he cannot legitimately make any grievance of the non supply of the copy of the inquiry report to him. According to the State, therefore, there was no prejudice caused to the petitioner and there is no case for any interference.

5. In the other case the charge that was framed against the petitioner was for non production of certain register when required by the Deputy District Development Officer for inspection. The gist of the charge is contained in Ex. 5 in writ petition No. 2029 of 1970. The order of removal is Ex. 8 in that case, otherwise the contentions of the petitioner and the reply of the state are almost the same. However, in this case the report of the inquiry Officer has been placed on record though no report was placed on record in the first case.

6. The questions that were argued before me at considerable length were two namely, (1) whether on account of the non supply of the inquiry report to the

petitioner along with the notice to show cause why he be not be removed from office there was any contravention of Rule 22 of the Rules or the principles of natural justice of that matter, and (2) whether the orders are bad as they do not contain the reasons therein. In other words, they are not speaking orders.

7. Now Section 17 of the Rajasthan Panchayat Act, 1953, empowers the State Government to remove a Panch, Sarpanch or up-Sarpanch. Sub-section (4) thereof lays down that the State Government may, by order in writing and after giving him an opportunity of being heard and making such inquiry as may be deemed necessary, remove any Panch, Sarpanch or Upsarpanch, who:

(a) refuses to act or becomes incapable of acting as such, or

(b) In the opinion of the State Government, has been guilty of misconduct or neglect in the discharge of his duties or of any disgraceful conduct.

Provided that any such inquiry as is referred to in this sub-section may be initiated even after the expiry of the term of a Panchayat or if already initiated before such expiry, may be continued thereafter and in any such case, the State Government shall, by order in writing record its finding on the charges leveled against a Panch Sarpanch or Up sarpanch of the Panchayat during its term of office.

8. Rule 20 of the Rules lays down that the Collector may, on his own motion or upon the requisition of the State Government initiate a preliminary inquiry under Sub-section (4) of Section 17 against any Panch, Sarpanch or Upsarpanch of a Panchayat or against any member or Chairman of a Nyaya Panchayat.

9. Sub-rule (4) lays down that if as a result of such preliminary inquiry, the Collector or the Munsif or the Civil Judge or the Magistrate of the first Class initiating the inquiry is satisfied that any charges of the nature specified in Sub-section (4) of Section 17 are prima facie made out against such Panch, Sarpanch or Upsarpanch or against such Chairman or member, as the case may be, a report thereof alongwith the recommendations of such officer the matter shall be made accordingly to the State Government or to any officer or authority to whom the powers of the State Government under Sub-section (4) Section 17 may be

delegated by a notification under Section 70.

10. According to Rule 21 the State Government or the officer or authority referred to in Sub-rule (4) of Rule 20 shall consider the report of the preliminary inquiry and may either drop the proceedings or get drawn up a statement of charge prima facie made out against the person against whom the preliminary inquiry has been made, specifying such details as may be deemed sufficient for him to understand the nature thereof. A copy of such statement shall be sent to the person charged alongwith notice calling upon him to show cause in writing why they should not be inquired into.

11. Sub-rules (3) of Rule 21 provides that upon reading the representation, if any, of the person charged in response to the notice under Sub-rule (2) the State Government or the officer or authority referred to in Sub-rule (4) of Rule 20 may either drop the proceedings or may appoint an officer or authority to inquire into the charges, hereinafter referred as to the inquiring officer, to whom the record of the preliminary inquiry the statement of charges, the explanation of the person charged all other relevant papers shall be forwarded.

12. In accordance with Sub-rule (4) of Rule 21 the inquiry officer shall-

(a) issue a notice to the person charged to appear before him on a date and at the time and place specified in the notice,

(b) read out to the person charged, when he so appears, the charge or charges levelled against him,

(c) hear the explanation, if any,

(d) take and consider such evidence, oral or documentary as may be produced in support or in rebuttal of the charge or charges, and

(e) record his finding on each of them.

13. According to Sub-rule (5) of Rule 21 the record of the inquiry, together with findings shall be forwarded by the inquiring officer to the State Government or the officer or authority referred to in Sub-rule (4) of Rule 20.

14. In this context occurs Rule 22, which 1 may read in full:

22. Order by State Government or officer or authority referred to in Sub-rule (4) of Rule 20.-

(1) The State Government or the officer or authority referred to in Sub-rule (4) of Rule 20 shall consider, the findings of the inquiring officer afford reasonable hearing to the person charged or thereafter pass such order as it or he may consider proper in the circumstances of the case.

(2) If the State Government or such officer or authority finds upon such consideration that the charges have been established, it or he shall by order, remove the Panch Sarpanch, Up-sarpanch, member or Chairman concerned from his office.

(3) A copy of each of such order shall be forwarded to the Panchayat officer and to the Collector.

(4) The State Government or the officer or authority referred to in Sub-rule (4) of Rule 20 shall notify the fact of such removal in the official Gazette.'

Here in Rule 22 the words 'afford reasonable hearing to the person charged' are the crux of the matter.

15. The above procedure is more or less assimilated to that of a disciplinary proceedings against a civil servant under the Rajasthan Civil Services (Classification, Control and Appeal) Rules 1958. Sub-rule 10 of the Rule 16 may be read for comparison. It runs as follows:

16(10)(i) if the Disciplinary Authority, having regard to its findings on the charges is of the opinion that any of the penalties specified in Clause (iv) to (vii) of Rule 14 should be imposed, it shall-

(a) furnish to the Government servant a copy of the Inquiring Authority and, where the Disciplinary Authority is not the Inquiring Authority a statement of its findings together with brief reasons for; disagreement, if any, with the findings of the Inquiring Authority and

(b) give him a notice stating the penalty proposed to be imposed on him and calling upon him to submit such representation within such time as he may wish to make on the proposed penalty, provided that such representation as he may shall be based on the evidence adduced during the enquiry.

In the case of a civil servant the rule itself lays down that a copy of the report of the Inquiring Authority shall be furnished to the Government servant and where the Inquiring Authority is other than the Disciplinary Authority a statement of its findings together with brief reasons for disagreement, if any, with the findings of the Inquiring Authority shall also be furnished. Then the Government servant is required to make a representation against the proposed penalty.

16. Here under the Rules for the removal of a Sarpanch, the phrase used being 'afford reasonable bearing to the person charged', the question immediately arises whether the hearing can be based to be reasonable without the copy of the inquiry report being given to the Sarpanch. The subordinate question falling to be considered will be whether the copy is to be furnished only if demanded by the Sarpanch or Panch as the case may be or within the ambit of the expression 'afford reasonable; hearing as to the person charged' - the Govt. have a duty to furnish copy of the report to the concerned Sarpanch or Panch on their own.

17. Learned Counsel for the petitioner referred to a number of cases, Bhagat Raja v. Union of India : [1967]3SCR302 ; Mahabir Prasad Santosh, Kumar v. State of U.P. and Ors. : [1971]1SCR201 ; Travancore Rayons Ltd. v. Union of India and Ors. : 1978(2)ELT378(SC) ; Sahela Ram v. State ; Lajpat Rai Malhotra v. Financial Advisor 1971 (1) S.L.R. 592; H.K. Khanna v. Union of India 1971 (1) S.L.R. 618; Vijay Singh v. State of Haryana 1971 (1) S.L.R. 720; Govindrao v. State of M.P. : [1965]1SCR678 ; Jyoti Prasad v. Union of India 1975 S.C.R. 80; State of Punjab v. Bakhtawar Singh 1972 S.L.R. 85.

18. Learned Additional Government Advocate on the other hand invited my attention to Union of India v. J.N. Sinha 1970 S.L.R. 748 and J.N. Shahoodul Haque v. Registrar Co-operative Societies, Bihar : AIR 1974 SC1896 .

19. I have considered the question. The above cases did not directly deal with the ambit of the phrase 'afford reasonable hearing to the person charged', thought they are very helpful so far as the principles of natural justice are concerned. There is no manner of doubt that the proceedings that result in the removal of the first elected official of the Gram Panchayat are quasi judicial in character. Therefore, Principles of natural justice are required to be followed. Both Section 17(4) of the Rajasthan Panchayat Act, 1953, and Rule 22 of the Rules confirm this. Whenever there is a statutory requirement it goes without saying that the authority acting under the statute has to comply with it. The question, therefore boils down to this whether in the absence of the report of the Inquiring Officer the hearing before the State Government can be said to be a reasonable hearing within the meaning of the Rules. On comparing this rule with the corresponding provisions of the Rajasthan Civil Services (Classification Control and Appeal) Rules, 1958 the difference is found to be conspicuous that while in the case of a civil servant what is needed is the affording of an opportunity of making a representation that has therefore, to be afforded to a Panch or Sarpanch contemplates more than the filing of a representation. He will have a right to be heard. Hearing may not in every case be by word of mouth or by the ear but it may in appropriate cases be even by filing a representation. But to be a reasonable hearing it is essential that the copy of the inquiry report to the Panch or Sarpanch, as the case may be. Now in the present case the order of removal itself recites that the petitioner had addressed a post card to the Deputy Minister requesting a hearing at Jodhpur. He added that in the event of being not hearing allowed at Jodhpur, he may be heard at Jaipur for which he would be taking a chance inspite of his illness. I express no opinion on the question whether the petitioner was ill or it was a false pretext only to gain time, but the Government should have informed him that it was not possible to take up the case at Jodhpur. However, much does not turn on this aspect of the matter, as I have reached the conclusion that when the Government was put under a duty to afford a reasonable hearing to the Panch or Sarpanch, it implied that the copy of the inquiry report was to be furnished to the Panch or Sarpanch, as the case may be, with the show cause notice for removal. The Government had to consider the finding of the inquiry officer and, therefore, in the notice they should have further indicated whether they were inclined to accept

the findings of the inquiry officer on each charge or not. If they were to take a different opinion then it was necessary to indicate the reasons why were taking an opinion different from the inquiry officer. It is only after affording reasonable hearing to the person charged that an order for removal can be passed.

20. I may next turn to the question whether the order of the removal of the Sarpanch should be a speaking order in the sense that it should contain the reasons therein.

21. Learned Counsel for the petitioner invited my attention to *Nandram Hunatram, Calcutta v. Union of India* : AIR 1966 SC1922 ; *State of Madras v. A.R. Srinivagan* : AIR 1966 SC1827 . *Krishna Chandra v. Union of India* : AIR 1974 SC1589 ; *Suryanarayana Rao v. The State of Andhra Pradesh* 1973 (2) S.L.R. 24 and *Testeels Ltd. v. N.M. Desai* A.I.R. 1970 Gunj.

22. Gujrat case A.I.R. 1970 Guj. was one decided by a Full Bench. In delivering the Judgment of the Court Bhagwati, C.J., as he then was, observed:

Both on principle and on authority, every administrative officer exercising quasi-judicial functions is bound to give reasons in support of the order he makes. A Conciliation Officer exercises quasi judicial function while hearing and disposing of an application by the employer under the proviso to Section 33(2)(b) of the Industrial Dispute; Act by which he seeks the approval of the Conciliation Officer for discharging its employee during the pendency of an Industrial Dispute before the said Authority. Hence, he is bound to make an order either giving his approval or refusing it stating reasons in support thereof. Where the order said nothing more than that the Officer did not approve of the action of the employer, held, that the order was liable to be quashed.

Examining the question on principle, there are two reasons why every quasi judicial order must be a speaking order. The necessity of giving reasons flows as a necessary corollary from the rule of law which constitutes one of the basic principles of the Indian Constitutional setup. The administrative authorities having a duty to act judicially can not therefore decide on considerations of policy or expediency. They must decide the matter solely on the facts of the particular case, solely on

the material before them and apart from any extraneous considerations by applying preexisting legal norms to factual situations. Now the necessity of giving reasons is an important safe guard to ensure observance of the duty to act judicially. It introduces clarity, checks the introduction of extraneous or irrelevant considerations and excludes or, at any rate, minimizes arbitrariness in the decision making process

Another rest en which compels making of such an order is based on the power of judicial review which is possessed by the High Court under Article 226 and the Supreme Court under Article 32 of the Constitution. These Courts have the power under the said provisions to quash by certiorari a quasi judicial order made by an Administrative Officer and this power of review can be effectively exercised only if the order is a speaking order. In the absence of any reasons in support of the order, the said court cannot examine the correctness of the order under review. The High Court and the Supreme Court would be powerless of interfere so as to keep the administrative officer within the limits of the law. The result would be that the power of judicial review would be stultified and no redress being available to the citizen, there would be insidious encouragement to arbitrariness and caprice. If this requirement is insisted upon then, they will be subject to judicial scrutiny and correction.

23. In *Padfield and Ors. v. Minister of Agriculture Fisheries and Food and Ors.* 1908 (1) All. E.R. 394 the House of Lords were dealing with the question of judicial control of execution discretion. The appellants were members of the South East Regional Committee of the Milk Marketing Board. They had made a complaint to the Minister of Agriculture, Fisheries and Food, pursuant to Section 19(3)(b) of the Agricultural Marketing Act, 1958, praying that the complaint be referred to the committee of infestation established under that enactment. In his letter the Minister wrote to say that he did not consider the complaint suitable for investigation, as it could be settled through arrangement available to producers and the board within the milk marketing scheme. He further said that he had unfettered discretion. In that connection their Lordships held that the Minister was bound to exercise his discretion lawfully. Although the minister had full or unfettered discretion under Section 19(3) of the Agriculturist Marketing Act, 1958, he was found to exercise it

lawfully viz. not to misdirect himself in law, nor to take into account irrelevant matters, nor to omit relevant matters.

24. In the course of the speech Lord Pearce observed that if there is no reason recorded then it may well be that the executive authority had no reasons.

25. Today while I was going to dictate the judgment learned Additional Government Advocate brought to my notice a decision of Tyagi J. reported in *Chenaram v. State of Rajasthan* 1973 R.L.W. 36 Tyagi J. had considered a number of Supreme Court decisions cited before him and then in para 30 he observed as follows:

In view of these latest observations of the Supreme Court, I am inclined to hold that an executive or an administrative authority while discharging its quasi-judicial function must turn out a speaking order.

Having made these observations Tyagi J., proceeded to consider next whether the order that was impugned before him could be said to be a 'speaking order' or not. Secretarial notes leading to the order were placed before him and taking into consideration the notes, he found that the Minister had looked into the entire record and had carefully perused the report submitted by the Collector and further the Minister agreed with the findings recorded by the Collector. Though the Minister did not record reasons for arriving at the conclusion, it was clear that he recorded his findings after hearing the petitioner and going through the record. In that case, therefore, the fact of the case turned on the consideration of the secretarial notes containing the reasons and further cause the person concerned had been heard by the Minister. One cannot say the same thing in the present case. Learned Additional Government Advocate, however, offered to place the secretarial notes before me provided. I adjourn the hearing, but I was not inclined to adjourn the case as arguments were concluded. However in the writ No. 2029 of 1970 the order itself contains the reasons. In the case, however, the order Ex. 4 is as follows:

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dzekad %& ,Q3,ts59 tks/k@66 t;iqj fnukadJh jsornku ljiap iapk;r eFkkfu;k iapk;r lfevr vksfl;k ftyk tks/kiqj ds fo:) izkifEHkd tkWp ds QyLo:i yxk;s x;s vkjksiks ij jktLFkku iapk;r vf/kuh;e lu~ 1953 dh /kkjk 174 ds vUrZxr fnukad 16&4&66 dks uksfVI fn;k tkdj muls mDr vkjksiks dh IQkbZ ds fy, fnukad 26&5&66 rd mRrj eakxk x;k A

Jh jsornku ljiap iapk;r eFkkfu;k us muds fo:) yxk, x, vkjksiks dk [k.M+u djrs gq, viuk fyf[kr mRrj fnukad 2&5&66 dks izLrqr fd;k fdUrq jkT; ljdkj dsk mDr mRrj ls lurks'k u gksus ds dkj.k mijksDr vf/kfu;e dks /kkjk 174 ds v/khu cus fu;e jktLFkku iapk;r ,oa U;k; iapk;r lkekU; fu;e lu~ 1961 ds fu;e 2 A3 ds vUrZxr mDr ljiap dh mifLFkfr es foLr`r tkaWp djkus gsrq miftyk fodkl vf/kdkjh tks/kiqj dks vkns'k fn;k x;k A

miftyk fodkl vf/kdkjh us rRIEcfU/kr vafre tkWp dj fjijs ZV izLrqr dh ftlds vk/kkj ij mDr ljiap ds fo:) fuEu vkjksi izekf.kr gq, gS%&

1 Jh jsornku ljiap iapk;r eFkkfu;k us fely la;k 23@65 gS Af nukad 27&6&65 dh vkMZj'khV fy[kh tkus ds ckn Hkwfe fodz; djus dh bckjr tksM+dj vius vf/kdkjks dk nq:lk;ksx fd;k gS A

2 mDr Jh jsornku us fely la0 23@65 es 100 5@8 oxZ xt Hkwfe dsoy 3 :i;k es gh fcuk uhyke fodz; dj voS/k fudyk djrh gS A Jh jsornku ljiap iapk;r eFkkfu;k dks jktLFkku iapk;r U;k; iapk;r lkekU; fu;e lu~ 1961 ds fu;e 221 ds vUrZxr fnukad 7&7&70 dks vfUre ckj uksfVI fn;k tkdj mugs viuk tckc is'k djus dk vfUre volj fnukad 30&7&70 fn;k x;k Jh jsornku ljiap mifLFkr ugh gq, cfYd mudk ,d iksLVdk MZ izklr gqvk fd os chekj jgrs gS blfy, is'kh tks/kiqj es j[kh tkos ijUrq mudk ;g ekax vlaxr gS A

pwfd mDr Jh jsornku ljiap dh blds igys Hkh dbZ ckj mUgs mifLFkr gksus dk volj fn;s tk pqds gS vr% vc vkSj ekSdk fn;k tkuk vuqfpr gh izrhr gskrk gS A

pwfd tkWp vf/kdkjk ds izfrosnu ls Li'V gS fd mDr ljiap us foLr`r tkap ds le; Hkh tkap vf/kdkjh ls lg;ksx ugh fd;k gS rFkk ogkW ij Hkh ckj&ckj; viuk i{k izLrqr djus dk volj nsus ds ckn Hkh os mifLFkr ugh gq, gS vkSj jkT; ljdkj }kjk Hkh dbZ volj nsus ij Hkh mifLFkr ugh gks jgs gS Apwfd jkT; ljdkj us ljiap Jh jsornku ds fo:) yxk;s x;s vkjksiks

,oa tkap fjiksZVks ij fopkj fd;k vkSj lkjs ekeys iw.kZr;k fopkj djus ds i'pkr jkT; ljdkj dh ;g ekU;rk gS fd mDr ljiap iapk;r eFkkfu;k Jh jsornku ds fo:) mDr lc gh vkjksi izekf.kr gq, gS rFkk ljiap dks Hkh vius cpko es dksbZ rF; izLrqr ugh djus gS]

pwfd jkT; ljdkj bl fu.kZ; ij igqaph gS fd Jh jsornku ljiap iapk;r eFkkfu;k us vius es fufgr 'kfDr dk nq;i;ksx djrs gq, dr ZO; ikyu es foQy jgs gS vkSj Hkwfe fodz; es vlaoS/kkfudrk cjrj gS vr% jkT; ljdkj ,rn~okjk Jh jsornku ljiap iapk;r eFkkfu;k dks jktLFkku iapk;r vf/kfu;e lu~ 1953 dh /kkjk 174}kjk iznRr 'kfDr;ks dk iz;ksx djrs gq, ljiap lkn ls rqjUr izHkko ls Ik`Fkd djrh gS A

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This order does not disclose the reasons in support of the findings.

26. However, as I have retched the conclusion that as part of affording reasonable bearing it was the duty of the Government to furnish the copy of the inquiry report to the petitioner the order Ex. 4 in writ petition No. 2027/70 and Ex. 8 in writ petition 2029/70 have to be quashed and the Government left free to proceed with the matter from the stage of furnishing the copies of the inquiry reports to the petitioner and then calling upon him to show cause why he be not removed from office.

27. In the result, therefore, I allow the two writ petitions and hereby quash the order Ex. 4 in writ petition 2027/70 and order Ex. 8 in writ petition No. 2029/70. The parties are left to bear their own costs.

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