IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 16th OF MARCH, 2026

WRIT PETITION No. 20253 of 2022

RATNAWALI VANSHWATI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Om Shankar Pandey - Advocate for the petitioner.

Ms. Supriya Singh - Govt. Advocate for the State.

ORDER

Petitioner has filed this writ petition under Article 226 of the Constitution of India challenging impugned order dated 21.6.2021 contained in Annexure P/1 passed by Commissioner, Institutional Finance, Bhopal.

2. Petitioner was trapped by Lokayukta in bribery case and later on was convicted under Section 7 of the Prevention of Corruption Act, 1988 and was sentenced to rigorous imprisonment for 4 years with fine of Rs. 25,000/- and Sections 13(i) (d) and 13(2) of the Prevention of Corruption Act, 1988 and was sentenced to rigorous imprisonment for 5 years with fine of Rs. 25,000/-. Thereafter, action was taken against the petitioner under Rule 10(ix) of the Madhya Pradesh Civil Services (Classification Control and Appeal) Rules, 1966 (hereinafter referred to 'Rules of 1966') and he was dismissed from service. Petitioner has challenged the impugned order on the ground that opportunity of hearing was not provided to petitioner before

passing of the impugned order. Criminal Appeal against conviction of petitioner is pending in Court, therefore, judicial proceeding has not attained finality. No departmental enquiry was conducted before imposing penalty upon petitioner.

3. Govt. Advocate appearing for the State submitted that petitioner was convicted by Special Court of Lokayukta District Narmadapuram in case of 07/2018 vide judgment dated 1.4.2021 and she has been dismissed by following procedure in accordance with law. There is no illegality or irregularity in passing of the impugned order. No interference is called for in the writ petition. Writ Petition may be dismissed.

4. Heard learned counsel for the parties.

5. Dismissal from service under Rule 10(ix) of Rules of 1966 amounts to major penalty. Procedure for imposing penalty is laid down in Rule 14 of aforesaid Rules of 1966. However, Rule 19 lays down special procedure to be adopted in certain cases. Rule 19 carves exception to Rule 14 to 18 and penalty can be imposed upon Government employee upon his conviction on criminal charge due to his conduct. Disciplinary Authority may consider the circumstances of the case and makes such orders there on as it deems fit and where necessary commission shall be consulted. Identical issue was cropped up for consideration before Apex Court in case of ***Divisional Personal Officer, Southern Railway Vs. T. R. Chellappan reported in AIR 1975 SC 2216***. It was held that opportunity of hearing is to be given regarding scale of punishment. Aforesaid decision of ***T.R. Chellappan*** (supra) was overruled in case of ***Union of India Vs. Tulsiram***

Patel reported in AIR 1985 SC 1416. Aforesaid judgment clearly lays down that no fresh enquiry is required once Government service is convicted in a criminal case. Authority can decide punishment based on conduct that led to conviction. It was held that dispensing in enquiry in such cases within public interest and does not violate the principles of natural justice. In case of *Shankar Dass Vs. Union of India reported in AIR 1985 SC 772,* wherein Supreme Court held that there has to be an application of mind for dismissal. Power is not to be exercised arbitrarily. Authority must look to the gravity of the offence. Penalty which is to be imposed is proportional to the act done by him. Penalty must be in proportionate to nature of crime.

6. Considering the aforesaid judgments passed by the Apex Court and examining the order dated 21.6.2021, it is found that disciplinary authority has considered the facts of criminal case. Reliance was placed upon the circular of the State Govt. dated 8.4.2021. It was found that it was a case of moral turpitude as petitioner is convicted under Prevention of Corruption Act, 1988, therefore, it cannot be said that there was no application of mind of disciplinary authority while passing the order. Circular of the State Govt. is not under challenge by which it was directed that in cases of conviction of moral turpitude employee is to be dismissed from service. In case of *Tulsiram Patel* (supra) it was held by the Apex Court that no opportunity of hearing is required after conviction of an employee in criminal case. Order passed should be speaking and there has to be application of mind and facts and circumstances of the case have to be considered. Rule 19 of Rules 1966 also lays down that without conduct of departmental enquiry order of

dismissal can be passed but before passing such orders there has to be consideration of facts and circumstances of the case. In the impugned order dated 21.6.2021, it was held that petitioner was convicted in case of moral turpitude and she is convicted under Prevention of Corruption Act, 1988. There was application of mind and conviction under Prevention of Corruption Act was taken into consideration. Detailed departmental enquiry is not necessary as sufficient opportunity has already been granted to an employee in a criminal case to defend herself. Principal of natural justice is a fundamental right under Constitution and same is to be observed in all cases. But in cases where employee has been convicted on basis of conduct in criminal case with full opportunity of hearing, it will be against public interest and efficiency in public services to grant her second opportunity of hearing on same facts and circumstances. Natural justice can not be stretched to an extent to practically defeat justice, public interest, weeding out of unbecoming public servants and to provide opportunity to delinquent employee to abuse process and avoid delivery of justice in large interest of public and State. In view of same, no illegality is found in impugned order.

7. Writ Petition is **dismissed.**

(VISHAL DHAGAT)
JUDGE

AD/