

2026 LiveLaw (SC) 420

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
PAMIDIGHANTAM SRI NARASIMHA; J., ALOK ARADHE; J.
SLP (C) No.28356 of 2024; APRIL 21, 2026
CHANDNI PRATEEK SHARMA *versus* HIGH COURT OF GUJARAT**

Service Law – Inquiry / Departmental Inquiry – Power to order de novo / fresh inquiry – Rule 10 of the Gujarat Civil Services (Discipline and Appeal) Rules, 1971 – The Disciplinary Authority ordered a de novo inquiry against a Judicial Officer after rejecting an inquiry report that found only one out of eight charges proved - The High Court upheld this decision - Quashing the High Court's judgment, the Supreme Court held that the expression "further inquiry" as mentioned in Rule 10(1) of the Rules does not mean a fresh or a de novo inquiry, but only a further inquiry - If the Disciplinary Authority disagrees with the Inquiry Authority's findings, Rule 10(2) mandates it to record reasons for disagreement and record its own findings if the evidence on record is sufficient - A notice directing a de novo inquiry is completely impermissible under the mandate of Rule 10. [Relied on Gujarat State Financial Corporation Vs Dilip Patilal Patel (C.A. No. 29/2004); Paras 10 - 12]

[Arising out of impugned final judgment and order dated 26-09- 2024 in SCA No. 10257/2024 passed by the High Court of Gujarat at Ahmedabad]

For Petitioner(s): Mr. Colin Gonsalves, Sr. Adv. Ms. Hetvi Ketan Patel, Adv. Mr. Tanveer Alil, Adv. Mr. Pradhuman Gohil, Adv. Mrs. Taruna Singh Gohil, AOR

For Respondent(s): Mr. R Basant, Sr. Adv. Ms. Vishakha, AOR Mr. Naman Vashishtha, Adv. Mr. Utkarsh Raj Sahay, Adv.

ORDER

1. Leave granted.
2. This appeal arises from the Judgment dated 26.09.2024 passed by the High Court of Gujarat by which challenge to the *de novo* inquiry conducted against the appellant who is a Judicial Officer, has been repelled and the writ petition has been dismissed.
3. Facts giving rise to filing of this appeal in nutshell are that, the appellant joined Gujarat State Judicial Service on 09.08.2012 as a Civil Judge. On 11.09.2018, she was promoted as Senior Civil Judge. The appellant at the relevant time was posted as Additional Senior Civil Judge and Additional Chief Judicial Magistrate at Savarkundla, Gujarat. On 29.02.2020, she was placed under suspension in contemplation of a Departmental Inquiry based on anonymous and signed complaints.
4. On 17.10.2022, the appellant was served with the charge sheet containing the following eight charges:
 - (i) Habitual absenteeism without prior sanction.
 - (ii) Permitting Assistant Public Prosecutor and staff to record witness depositions in her absence.
 - (iii) Compelling staff to perform illegal unauthorized acts such as tampering with court records.
 - (iv) Concealing facts regarding her absence
 - (v) Compelling a staff member on medical leave to be present.

(vi) Misusing powers to call a police constable to her chamber for a backdated adjournment.

(vii) Concealing facts regarding her absence.

(viii) Signing judgments prepared by Steno without providing dictation.

5. The Principal District Judge, Amreli, Gujarat was appointed as Inquiry Officer. The Inquiry Officer, on 14.12.2023, after examining 21 prosecution witnesses, submitted an inquiry report. The Inquiry Officer found the charge No.1 i.e., habitual absenteeism without prior sanction to be proved. However, charges Nos.2 to 8 were not found to be proved.

6. The Disciplinary Authority (standing committee of the High Court), reviewed the report and concluded that there were procedural lapses in conducting the inquiry and the evidence has not been properly appreciated. A show cause notice dated 13.02.2024 was issued to the appellant as to why the inquiry report submitted by the Inquiry Officer be not rejected and a *de novo* inquiry be not ordered. The appellant, tender her resignation, which was rejected on 30.04.2024, on the grounds that the same was not tendered in accordance with Rule 36 of Gujarat Civil Service (General Conditions of Services) Rules, 2002. The Disciplinary Authority on 22.05.2024 rejected the inquiry report and ordered a *de novo* inquiry.

7. The appellant challenged the initiation of *de novo* inquiry by filing a writ petition. The High Court vide order dated 26.09.2024, noted that Rule 10 of Gujarat Civil Services (Discipline and Appeal) Rules, 1971 (hereinafter referred to as “the Rules”) allows the Disciplinary Authority to remit a case for further inquiry, but requires recording of reasons for doing so. It was further held that Rule 10(2) of the Rules permits the Disciplinary Authority to record its own findings on the charges. The High Court upheld the decision to initiate a *de novo* inquiry against the appellant and concluded that Disciplinary Authority's action was based on the reasons recorded in the show cause notice dated 13.02.2024. In the aforesaid factual background, this appeal arises for our consideration.

8. Learned Senior Counsel for the appellant submitted that the Rule 10 of the Rules does not permit *de novo* inquiry and the issue involved in this appeal is no longer *res integra* and is covered by a decision of this Court¹. It is therefore contended that the impugned order be set aside.

9. The learned Senior counsel for the respondent on the other hand submitted that Rule 10 does not take away the power of the Employer to conduct a *de novo* inquiry. It is further submitted that during the pendency of the *lis*, the Rules were amended which require that a Judge of the High Court alone can conduct an inquiry. Therefore with a view to grant a fair opportunity to the appellant, a *de novo* inquiry was ordered. It is further submitted that the rules cannot be broadly interpreted so as to take away the power the Disciplinary Authority to conduct a *de novo* inquiry. In support of the aforesaid submission, reliance has been placed on the decision of this Court².

10. We have considered the rival submissions made on both sides and have perused the record. Before proceeding further, it is apposite to take note of Rule 10 of the Rules which is extracted below for the facility of reference: -

“10. Action on the Inquiry Report:

¹ Gujarat State Financial Corporation Vs Dilip Patilal Patel (C.A. No. 29/2004)

² Union of India versus P. Thayagarajan (1999) 1 SCC 73

(1) *The Disciplinary Authority/, if it is not itself the Inquiry Authority may, for reasons to be recorded by it in, writing, remit the case to the Inquiry Authority for further inquiry and report and the Inquiry Authority shall there upon proceed to hold the further inquiry according to the provisions of rule 9, as far as may be.*

(2) *The Disciplinary Authority shall, if it disagrees with the findings of the Inquiry Authority on any article of charge, record its reasons for such disagreement and record its own finding on such charge, if the evidence on record is sufficient for the purpose.*

(3) *If the Disciplinary Authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in items (1 to 3) of Rule 6 should be imposed on the Government servant, it shall not "withstanding anything contained in Rule 11 make an order imposing such penalty; Provided that in every case where it is necessary to consult the Commission, the record of the inquiry shall be forwarded by the Disciplinary Authority to the Commission for its advice and such advice shall be taken into consideration before making any order imposing any penalty on the Government Servant.*

(4) *If the Disciplinary Authority having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry is of that opinion that any of the penalties specified in items (4) to (8) of Rule 6 should be imposed on the Government servant, it shall make an order imposing such penalty it shall not be necessary to give the Government servant any opportunity of making representation on the penalty proposed to be imposed:*

Provided that in every case where it is necessary to consult the Commission, the record of the enquiry shall be forwarded by the Disciplinary Authority to the Commission for its advice and the advice shall be taken into consideration before making, an order imposing any such penalty as may be imposed on the Government Servant"

11. Thus, it is evident that where the Disciplinary Authority is not itself the Inquiry Authority, it may, for reasons to be recorded in writing, remit the case to the Inquiry Authority for further inquiry. The expression "further inquiry" as mentioned in Rule 10(1) does not mean a fresh or a *de novo* inquiry but only a further inquiry.

12. For the purposes of the present case suffice it to say that Rule 10 of the Rules was interpreted by a two Judge Bench of this Court in Gujarat State Financial Corporation (Supra). The High Court erred in not appreciating that the notice dated 13.02.2024 issued by the Disciplinary Authority directing a *de novo* inquiry was not permissible in view of the mandate contained in Rule 10 of the Rules. We are in agreement with the interpretation, put forth by a two Judge Bench of this Court on Rule 10 of the Rules in case of Gujarat State Financial Corporation (Supra).

13. For the aforementioned reasons, the impugned judgment dated 26.09.2024 passed by the High Court is quashed and set aside.

14. The respondents are directed to reinstate the appellant and to grant her all consequential benefits.

15. Accordingly, the appeal is allowed. There shall be no order as to costs.

16. Pending application(s), if any, shall stand disposed of.