



2026:AHC-LKO:68829-DB

A.F.R.
Reserved on 29.07.2026
Delivered on 28.09.2026

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 2677 of 2026

Rajesh Kumar Singh

.....Petitioner(s)

Versus

U.O.I. Thru. Secy. Ministry of Personnel Public Grievances and
Pensions New Delhi and another

.....Respondent(s)

Counsel for Petitioner(s) : Saurabh Yadava, Pratham Harsh
Chandra, Puneet Chandra
Counsel for Respondent(s) : A.S.G.I., C.S.C., Raj Kumar Singh

Court No. - 5

**HON'BLE ALOK MATHUR, J.
HON'BLE AMITABH KUMAR RAI, J.**

(Delivered by Hon'ble Alok Mathur,J.)

1. Heard Shri Vishwajit Singh, learned Senior Advocate assisted by Shri Puneet Chandra, learned counsel for the petitioner, Shri S. B. Pandey, learned Senior Advocate and Deputy Solicitor General of India assisted by Shri Raj Kumar Singh, learned counsel for the respondent no.1 and learned Standing Counsel for the State-respondent.
2. The petitioner has assailed the validity of the judgment and order dated 19.12.2025 passed by the learned Central Administrative Tribunal, Lucknow, wherein the original application preferred by the petitioner against the memorandum dated 27.04.2023 issued against him has been rejected.

3. It has been submitted by learned counsel for the petitioner that certain criminal proceedings were initiated against Shri M. K. Singh, the then Chief Managing Director of M/s Bridge and Roof Co. (India) Ltd. Kolkata at a time when the petitioner was serving as a Joint Secretary in the Department of Heavy Industry, Government of India.

4. It has been further submitted that after investigation by the Central Bureau of Investigation, a final report was filed before the Court of competent jurisdiction and the matter had reached the stage where the Magistrate was to consider whether to accept or reject the final report filed by the Central Bureau of Investigation.

5. It has further been submitted that previously in pursuance of the decision taken by the Government to initiate criminal proceedings against Shri M. K. Singh, the petitioner was directed to lodge a First Information Report (F.I.R.) with the Central Bureau of Investigation (C.B.I.). On the basis of the said F.I.R., a case was registered as CBI/ACB/Kolkata/FIR No. RC.0102016A0021 under Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 and under Section 120B read with Section 420 of the Indian Penal Code.

6. At the time when the F.I.R. was lodged, the petitioner was posted as Joint Secretary and Chief Vigilance Officer in the Department of Heavy Industry, Government of India. Subsequently, on 04.10.2016 the petitioner was transferred from the Department of Heavy Industry (DHI) to the Unique Identification Authority of India (UIDAI) and was replaced by another officer, namely Shri Vishvajit Sahay.

7. Upon completion of the period of deputation, the petitioner reported back to his parent cadre i.e. Uttar Pradesh on 23.10.2017 and was posted as Divisional Commissioner, Moradabad Division, where he served till 30.06.2018. During this period, while the petitioner was posted as Commissioner, Moradabad, he received a summons from the Special C.B.I. Court, Kolkata after C.B.I. had filed its final report before the said Court.

8. When the petitioner appeared before the Special C.B.I. Court in compliance with its order, the Court sought his views in the matter. After consulting the Chief Vigilance Officer of M/s Bridge and Roof Co. (India) Limited, who represented the Government of India before the Special C.B.I. Court and upon the recommendation of the Prosecuting Officer of the C.B.I., the petitioner gave his no objection to the final report submitted by the C.B.I. with bona fide intentions. Consequently, the final report was accepted and the proceedings against the accused were dropped.

9. The entire controversy involved in the present case pertains to the no objection given by the petitioner before the Special C.B.I. Court, which resulted in the respondents deciding to initiate disciplinary proceedings against him.

10. It was the respondents' view that the petitioner had failed to defend the interests of the Department and had given his no objection without any justification. According to the respondents, the petitioner had not adequately defended the interests of the Department before the Special C.B.I. Court. Consequently, a decision was taken to initiate disciplinary proceedings against the petitioner.

11. It is the further case of the respondents that a decision was taken to challenge the final report filed by the Central Bureau of Investigation and to that effect, a letter was written directly to the Court of the Special Judge, C.B.I., Court No.2, Calcutta (hereinafter referred to as "Special (CBI) Court") requesting that the competent authority to pursue the case on behalf of the complainant would now be Shri Vishvajit Sahay, Joint Secretary/Chief Vigilance Officer of the Department.

12. It has been further submitted that the competent authority so nominated, namely Shri Vishvajit Sahay also wrote to Central Bureau of Investigation informing them of the fact that the department was not satisfied with the investigation carried out and wanted them to have a re-look into the said investigation. Further, by means of a letter dated 20.08.2018, the Department decided to engage a Government Counsel and an advocate for filing an appeal against the order dated 19.07.2018,

whereby the Court had declined to substitute the complainant in the said case.

13. It has been vehemently submitted on behalf of the petitioner that a bare perusal of the aforesaid communications would indicate that petitioner had already been transferred and was not responsible for the conduct of the proceedings subsequent to the filing of the final report by Central Bureau of Investigation. It has been submitted that no misconduct has been committed by petitioner nor any misconduct can be pointed out from a bare reading of the memorandum dated 27.04.2023.

14. The petitioner has assailed the charge sheet dated 27.04.2023 before Central Administrative Tribunal by filing Original Application No.332/00385 of 2025 on three grounds. The first ground is that there was no direction or instruction received from the Department of Heavy Industry with regard to the statement to be made before Special (CBI) Court and there was only a request made through the letter dated 20.08.2018 to appear before Special (CBI) Court on 01.09.2018 and to present the views of the Department as encapsulated in the demi-official letter addressed to the Joint Director, CBI, Kolkata. It is further contended that the letter dated 20.08.2018 addressed to Joint Director, CBI, Kolkata itself stated that the Department of Heavy Industry had not been able to take any view in the matter in the absence of the complete investigation report. It is also contended that the 'no objection' given by the petitioner on 01.09.2018 before Special (CBI) Court was given in his personal capacity on the ground that he was no longer in charge of the post of JS & CVO. It is, therefore, contended that the charge itself is vague and is based on surmises and conjectures. In support of this contention, reliance has been placed on the judgments of Hon'ble Supreme Court in **State of Punjab v. Chaman Lal Goyal** reported in (1995) 2 SCC 570 and **Ministry of Defence v. P.C. Mirdha** reported in (2012) 11 SCC 565.

15. The charge dated 27.04.2023 was also assailed on the ground of delay inasmuch as it was issued more than four years after the petitioner's deposition before Special (CBI) Court. A further ground was urged that

the charge sheet is void ab initio in terms of Rule 7 of the All India Services (Discipline and Appeal) Rules, 1969.

16. The Central Administrative Tribunal, Lucknow by means of the impugned judgment and order dated 19.12.2025 has rejected the said Original Application and held that the entire case against the petitioner as set out in the charge sheet dated 27.04.2023 is that he furnished a 'no objection' to CBI's closure report before Special (CBI) Court on 01.09.2018 in the case registered by C.B.I. under Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 and Sections 120-B read with Section 420 of the Indian Penal Code, 1860 in contravention of the written directions received from the Department of Heavy Industries (now Ministry of Heavy Industries), Government of India.

17. It is submitted by learned Senior Advocate appearing for the petitioner, while assailing the impugned order dated 19.12.2025 passed by Central Administrative Tribunal, Lucknow that a perusal of the Articles of Charge would clearly indicate that no misconduct is made out from a bare reading of the said charges and accordingly the matter requires interference by this Court.

18. He has submitted that in the Articles of Charge, the entire sequence of events has been narrated wherein the decision to conduct an investigation against Shri M. K. Singh, the then Chairman-cum-Managing Director of M/s Bridge and Roof Co. (India) Ltd., Kolkata was sought to be initiated and the First Information Report was lodged by C.B.I. on 27.05.2016 against the petitioner. Subsequently, C.B.I. filed a final report before the court of competent jurisdiction and petitioner, in his capacity as a complainant received notices from the court. The petitioner, in turn, forwarded the notices to the Department of Heavy Industries, which sought substitution of the complainant but its request was rejected by Special Judge, C.B.I. Court No. 2, Calcutta on 19.07.2018. In the aforesaid circumstances, the petitioner was asked to appear before Special (CBI) Court in his capacity of complainant by means of a letter issued by the Department of Heavy Industries on 20.08.2018. It is alleged that upon his

appearance before Special (CBI) Court, he acted in contravention of the written directions received from the Department of Heavy Industries and submitted his “no objection” to the closure report on 01.09.2018, thereby failing to defend the interests of the Government of India. It is stated that the no-objection filed by the petitioner was duly accepted by Special (CBI) Court and the closure report filed by C.B.I. was duly accepted.

19. It is vehemently submitted by learned counsel for the petitioner that a perusal of the order dated 20.08.2018 by which petitioner was asked to appear before Special (CBI) Court would itself indicate that C.B.I. had recommended initiating disciplinary proceedings against the persons who had acted in violation of the Purchase Manual and the CVC Guidelines. However, it was found that two of the four persons had already retired and considering the fact that the said persons did not hold pensionable posts, there was no purpose in holding disciplinary proceedings against them. Consequently, in paragraph 5 of the said letter, it has been stated that the detailed investigation report was not available with the Department as the same had not been provided by the C.B.I. and therefore, the same could not have been perused by the Department until petitioner appeared before Special (CBI) Court.

20. It has been vehemently contended that no instructions were given to the petitioner to oppose the closure report and he appeared before the court in his capacity as a complainant pursuant to the directions issued by the Department of Heavy Industries. When the petitioner appeared before the Special (CBI) Court, it is evident that the Department of Heavy Industries did not have any specific view to be presented before the Special (CBI) Court inasmuch as the C.B.I.’s detailed investigation report was not in its possession and the Department had required a copy of the said report in order to formulate its view.

21. It has further been contended that there is no provision either under the Cr.P.C. or the B.N.S.S. for a complainant to give a no-objection certificate when a closure report is filed by the Investigating Agency before the court of competent jurisdiction. It was stated that the concerned Magistrate has the discretion either to reject or accept the closure report

and in case any person seeks to oppose the closure report, he is required to file a protest petition. It was submitted that no protest petition had been filed by the Department of Heavy Industries nor had any instructions been given to the petitioner to file the same before the Special C.B.I. Court, Kolkata. He submits that although he had given his no objection pursuant to the opinion rendered by the Assistant Prosecuting Officer, who was present before the court, in fact, the no-objection certificate given by him would have no legal bearing upon the discretion to be exercised by the concerned Magistrate while considering the closure report filed by the C.B.I. Accordingly, in view of the aforesaid circumstances, it was contended that no misconduct has been committed by the petitioner so as to entail the initiation of disciplinary proceedings against him.

22. It has been submitted that, in the aforesaid circumstances, the Article of Charge has been framed against the petitioner in the absence of any misconduct. Accordingly, in the peculiar circumstances of the case, Central Administrative Tribunal, Lucknow, ought to have interfered in the matter and quashed the proceedings. He has relied upon the judgment of the Hon'ble Supreme Court in the case of **Union of India and Others v. Upendra Singh** reported in **(1994) 3 SCC 357**.

23. Shri S. B. Pandey, learned counsel for the Union of India has opposed the writ petition and submitted that serious allegations have been levelled against Shri M. K. Singh and the matter was also inquired into by the C.B.I. Though the C.B.I. had submitted a closure report, it had proposed initiation of disciplinary proceedings against four officers.

24. He submits that the petitioner had committed misconduct by giving no objection to the closure report filed by the C.B.I., contrary to the directions of the Department of Heavy Industries. Such conduct itself constitutes misconduct and accordingly, he supported the impugned order passed by the Central Administrative Tribunal, Lucknow and prayed for dismissal of the writ petition.

25. We have heard the rival contentions of the parties and perused the record.

26. The facts of the present case are that the petitioner while posted as Joint Secretary in the Department of Heavy Industries was directed to lodge a First Information Report with the C.B.I. which initiated an investigation into the allegations against Shri M. K. Singh, the then Chairman-cum-Managing Director of M/s Bridge and Roof Co. (India) Ltd., Kolkata, who was alleged to have committed financial impropriety, siphoned off funds of the Government company through irregular payments made large-scale transfers of foreign exchange to a private Dubai-based company and violated the Government, CVC and FEMA guidelines thereby causing financial loss to the Government company. After investigation, a closure report was filed before the Special (CBI) Court and notices were issued to the petitioner as he was the complainant.

27. The effort was made by the respondent to replace the petitioner as the complainant. However, the said application was rejected. Consequently, the petitioner appeared before the Special C.B.I. Court on 01.09.2018. On the said date, he gave his no objection on the advice of the Prosecuting Officer of the Special C.B.I. Court on the basis of which the closure report filed by the C.B.I. was accepted.

28. The statement of the petitioner given before the Special (CBI) Court formed the basis of the disciplinary proceedings against him inasmuch as it is the contention of the respondent that the said statement was given contrary to the specific direction of the Department of Heavy Industries as encapsulated in the D.O. letter dated 20.08.2018 addressed to Joint Director, C.B.I., Kolkata. Accordingly, it was the case of the respondent that the petitioner had failed to protect the interests of the Department of Heavy Industries and his statement before the Special (CBI) Court led to the acceptance of the closure report vide judgment and order dated 01.09.2018.

29. Before analyzing whether the acts of the petitioner fall within the ambit of disciplinary action, it is essential to appreciate what legally constitutes 'misconduct' in public service and departmental jurisprudence. The Supreme Court has, in decision after decision, explained, in a manner which leaves no room for doubt, the scope and ambit of the expression

"misconduct". In paras 5 and 6 of its decision in ***State of Punjab vs Ram Singh, Ex-Constable (1992) 4 SCC 54***, the Supreme Court rules thus:

"5. Misconduct has been defined in *Black's Law Dictionary*, Sixth Edition at page 999 thus:

"A transgression of some established and definite rule of action, a forbidden act, a dereliction from duty, unlawful behavior, wilful in character, improper or wrong behavior, its synonyms are misdemeanor, misdeed, misbehavior, delinquency, impropriety, mismanagement, offense, but not negligence or carelessness."

Misconduct in office has been defined as:

"Any unlawful behavior by a public officer in relation to the duties of his office, wilful in character. Term embraces acts which the office holder had no right to perform, acts performed improperly, and failure to act in the face of an affirmative duty to act."

P. Ramanatha Aiyar's Law Lexicon, Reprint Edition 1987 at page 821 defines „misconduct“ thus:

"The term misconduct implies a wrongful intention, and not a mere error of judgment. Misconduct is not necessarily the same thing as conduct involving moral turpitude. The word misconduct is a relative term, and has to be construed with reference to the subject matter and the context wherein the term occurs, having regard to the scope of the Act or statute which is being construed. Misconduct literally means wrong conduct or improper conduct. In usual parlance, misconduct means a transgression of some established and definite rule of action,

where no discretion is left, except what necessity may demand and carelessness, negligence and unskilfulness are transgressions of some established, but indefinite, rule of action, where some discretion is necessarily left to the actor. Misconduct is a violation of definite law; carelessness or abuse of discretion under an indefinite law. Misconduct is a forbidden act; carelessness, a forbidden quality of an act, and is necessarily indefinite. Misconduct in office may be defined as unlawful behaviour or neglect by a public officer, by which the rights of a party have been affected."

6. *Thus it could be seen that the word "misconduct" though not capable of precise definition, on reflection receives its connotation from the context, the delinquency in its performance and its effect on the discipline and the nature of the duty. It may involve moral turpitude, it must be improper or wrong behavior; unlawful behavior, wilful in character; forbidden act, a transgression of established and definite rule of action or code of conduct but not mere error of judgment, carelessness or negligence in performance of the duty; the act complained of bears forbidden quality or character. Its ambit has to be construed with reference to the subject matter and the context wherein the term occurs, regard being had to the scope of the statute and the public purpose it seeks to serve. The police service is a disciplined service and it requires to maintain strict discipline. Laxity in this behalf erodes discipline*

in the service causing serious effect in the maintenance of law and order”.

29.1 Paras 9 to 12 of the earlier decision of Hon'ble Supreme Court, in **U.O.I. v. J. Ahmed, (1979) 2 SCC 286**, are instructive on the point:

"9. The five charges listed above at a glance would convey the impression that the respondent was not a very efficient officer. Some negligence is being attributed to him and some lack of qualities expected of an officer of the rank of Deputy Commissioner are listed as charges. To wit, Charge 2 refers to the quality of lack of leadership and Charge 5 enumerates ineptitude, lack of foresight, lack of firmness and indecisiveness. These are qualities undoubtedly expected of a superior officer and they may be very relevant while considering whether a person should be promoted to the higher post or not or having been promoted, whether he should be retained in the higher post or not, or they may be relevant for deciding the competence of the person to hold the post, but they cannot be elevated to the level of acts of omission or commission as contemplated by Rule 4 of the Discipline and Appeal Rules so as to incur penalty under Rule 3. Competence for the post, capability to hold the same, efficiency requisite for a post, ability to discharge function attached to the post, are things different from some act or omission of the holder of the post which may be styled as misconduct so as to incur the penalty under the rules. The words "act or omission" contemplated by Rule 4 of the Discipline and Appeal Rules have to be understood in the context of the All India

Services (Conduct) Rules, 1954 ("Conduct Rules" for short). The Government has prescribed by Conduct Rules a code of conduct for the members of All India Services. Rule 3 is of a general nature which provides that every member of the service shall at all times maintain absolute integrity and devotion to duty. Lack of integrity, if proved, would undoubtedly entail penalty. Failure to come up to the highest expectations of an officer holding responsible post or lack of aptitude or qualities of leadership would not constitute as failure to maintain devotion to duty. The expression "devotion to duty" appears to have been used as something opposed to indifference to duty or easy-going or light-hearted approach to duty. If Rule 3 were the only rule in the Conduct Rules it would have been rather difficult to ascertain what constitutes misconduct in a given situation. But Rules 4 to 18 of the Conduct Rules prescribe code of conduct for members of service and it can be safely stated that an act or omission contrary to or in breach of prescribed rules of conduct would constitute misconduct for disciplinary proceedings. This code of conduct being not exhaustive it would not be prudent to say that only that act or omission would constitute misconduct for the purpose of Discipline and Appeal Rules which is contrary to the various provisions in the Conduct Rules. The inhibitions in the Conduct Rules clearly provide that an act or omission contrary thereto so as to run counter to the expected code of conduct would certainly constitute misconduct. Some other act or

omission may as well constitute misconduct. Allegations in the various charges do not specify any act or omission in derogation of or contrary to Conduct Rules save the general Rule 3 prescribing devotion to duty. It is, however, difficult to believe that lack of efficiency, failure to attain the highest standard of administrative ability while holding a high post would themselves constitute misconduct. If it is so, every officer rated average would be guilty of misconduct. Charges in this case as stated earlier clearly indicate lack of efficiency, lack of foresight and indecisiveness as serious lapses on the part of the respondent. These deficiencies in personal character or personal ability would not constitute misconduct for the purpose of disciplinary proceedings”

10. It would be appropriate at this stage to ascertain what generally constitutes misconduct, especially in the context of disciplinary proceedings entailing penalty.

11. Code of conduct as set out in the Conduct Rules clearly indicates the conduct expected of a member of the service. It would follow that *conduct which is blameworthy for the government servant in the context of Conduct Rules would be misconduct. If a servant conducts himself in a way inconsistent with due and faithful discharge of his duty in service, it is misconduct (see **Pierce v. Foster**, [17 QB 536, 542]). A disregard of an essential condition of the contract of service may constitute misconduct [see **Laws v. London Chronicle (Indicator Newspapers)**, [(1959) 1*

*WLR 698J)]. This view was adopted in **Shardaprasad Onkarprasad Tiwari v. Divisional Superintendent, Central Railway, Nagpur Division, Nagpur, [61 Bom LR 1596], and Satubha K. Vaghela v. Moosa Raza, [10 Guj LR 23]**. The High Court has noted the definition of misconduct in Stroud's Judicial Dictionary which runs as under:*

"Misconduct means, misconduct arising from ill motive; acts of negligence, errors of judgment, or innocent mistake, do not constitute such misconduct."

29.2 The contours of the expression "misconduct" were subjected, once again, to incisive examination, by the Supreme Court, in **Ravi Yashwant Bhoir v. Collector, (2012) 4 SCC 407**, in which, after referring to the definitions of "misconduct", in Black's Law Dictionary and P. Ramanatha Aiyar's "Law Lexicon" (which have already been noted hereinabove), it was held as under:

*"13. Mere error of judgment resulting in doing of negligent act does not amount to misconduct. However, in exceptional circumstances, not working diligently may be a misconduct. An action which is detrimental to the prestige of the institution may also amount to misconduct. Acting beyond authority may be a misconduct. When the office-bearer is expected to act with absolute integrity and honesty in handling the work, any misappropriation, even temporary, of the funds, etc. constitutes a serious misconduct, inviting severe punishment. (Vide **Disciplinary Authority-cum-Regl. Manager v. Nikunja Bihari Patnaik (1996) 9 SCC 69 : 1996 SCC (L&S) 1194, Govt. of T.N. v. K.N. Ramamurthy[(1997)***

7 SCC 101 : 1997 SCC (L&S) 1749 : (1997) 7 SCC 101 : AIR 1997 SC 3571], Inspector Prem Chand v. Govt. of NCT of Delhi [(2007) 4 SCC 566 : (2007) 2 SCC (L&S) 58] and SBI v. S.N. Goyal [(2008) 8 SCC 92 : (2008) 2 SCC (L&S) 678 : (2008) 8 SCC 92 : AIR 2008 SC 2594].)

14. In **Govt. of A.P. v. P. Posetty [(2000) 2 SCC 220 : 2000 SCC (L&S) 254]**, held that since acting in derogation to the prestige of the institution/body and placing his present position in any kind of embarrassment may amount to misconduct, for the reason, that such conduct may ultimately lead that the delinquent had behaved in a manner which is unbecoming of an incumbent of the post.

15. In **M.M. Malhotra v. Union of India [(2005) 8 SCC 351 : 2005 SCC (L&S) 1139 : AIR 2006 SC 80]**, explained as under: (SCC p. 362, para 17)

"17. ... It has, therefore, to be noted that the word "misconduct" is not capable of precise definition. But at the same time though incapable of precise definition, the word „misconduct" on reflection receives its connotation from the context, the delinquency in performance and its effect on the discipline and the nature of the duty. The act complained of must bear a forbidden quality or character and its ambit has to be construed with reference to the subject-matter and the context wherein the term occurs, having regard to the scope of the statute and the public purpose it seeks to serve." A similar view has been reiterated in **Baldev Singh Gandhi v. State of Punjab [(2002) 3 SCC 667 : AIR 2002 SC 1124]**.

16. *Conclusions about the absence or lack of personal qualities in the incumbent do not amount to misconduct holding the person concerned liable for punishment. (See **Union of India v. J. Ahmed [(1979) 2 SCC 286 : 1979 SCC (L&S) 157 : (1979) 2 SCC 286 : AIR 1979 SC 1022].**)*

17. It is also a settled legal proposition that misconduct must necessarily be measured in terms of the nature of the misconduct and the court must examine as to whether misconduct has been detrimental to the public interest. (*Vide **Bank of India v. Mohd. Nizamuddin [(2006) 7 SCC 410 : 2006 SCC (L&S) 1663 : AIR 2006 SC 3290].***)

18. *The expression "misconduct" has to be understood as a transgression of some established and definite rule of action, a forbidden act, unlawful behavior, wilful in character. It may be synonymous as misdemeanor in propriety and mismanagement. In a particular case, negligence or carelessness may also be a misconduct for example, when a watchman leaves his duty and goes to watch cinema, though there may be no theft or loss to the institution but leaving the place of duty itself amounts to misconduct. It may be more serious in case of disciplinary forces.*

19. *Further, the expression "misconduct" has to be construed and understood in reference to the subject-matter and context wherein the term occurs taking into consideration the scope and object of the statute which is being construed.*

Misconduct is to be measured in the terms of the nature of misconduct and it should be viewed with

the consequences of misconduct as to whether it has been detrimental to the public interest."

29.3 The tone, and tenor, of the expressions used, to delineate the scope and ambit of "misconduct", are unmistakable. The decisions cited above refer to misconduct as "a transgression of *some established and definite rule of action, where no discretion is left, except what necessity may demand*", "*a forbidden action*", "*dereliction from duty*", "*unlawful behavior, wilful in character*", "*improper or wrong behavior*", *acts which the officer concerned in "had no right to perform", "failure to act in the face of an affirmative duty to act", "wrongful intention", "violation of definite law", conduct, of the officer "inconsistent with due and faithful discharge of his duty", "arising from ill motive". It has been emphasized that the act complained of "must bear a forbidden quality or character".*

29.4 While, thus, setting out the nature of the acts which would tantamount to "misconduct", the decisions cited above also emphasize what would not constitute "misconduct". Thus, it is held, in the above decisions, that "a mere error of judgment", mere "negligence", "unskilfulness", "carelessness", "mere negligence in performance of duty", "lack of leadership", "ineptitude", "lack of foresight", indecisiveness, lack of "competence for the post", "capability to hold the same", "efficiency requested for a post" or "ability to discharge functions attached to the post", "failure to come up to the highest expectations of an officer holding a responsible post", "lack of aptitude", "failure to attain the highest standard of administrative ability while holding a high post", or "deficiencies in personal character or personal ability", would not constitute misconduct. Carelessness or negligence, too, it has been held, would ordinarily not amount to "misconduct", though, in exceptional cases, they might. These exceptional cases, however, are cases similar to "the sentry who sleeps at his post and allows the enemy to slip through", "a railway cabin man signalling in a train on the same track where there is a stationary train causing head-on collision", "a nurse giving intravenous injection which ought to be given intramuscularly, causing instantaneous death", or "a pilot overlooking an instrument showing snag in engine and

the aircraft crashes causing heavy loss of life". In such extreme cases, it has been held by the Supreme Court, though the act may not be tainted by wrongful or culpable intention, and may not be deliberate, it would still amount to "misconduct", given the seriousness of the consequences resulting from the act, and the nature and degree of care and caution expected to be exercised by the officer concerned, given the position in which he is placed. The significance of these examples, as cited by the Supreme Court in *J. Ahmed (supra)*, cannot be lost. Obviously, the Supreme Court has taken pains to emphasise that, save and except in such extreme cases, resulting in serious loss to life and limb, or equally catastrophic consequences, acts which may be negligent, or careless, could not, ordinarily, be characterised as "misconduct".

29.5 Hon'ble Delhi High Court in the case of *T. C. Jindgar v. Rural Electrification Co., 2018 SCC Online 8575*, culled out the following propositions, relating to the jurisprudential contours of the expression "misconduct", as emerging from the above decisions:

- (i) Mere negligence or carelessness is not "misconduct".
- (ii) Incompetence, incapability to hold a post, and want of requisite efficiency are also not "misconduct".
- (iii) Failure to come up to the highest expectations of an officer holding a responsible post, lack of aptitude or qualities of leadership are also not "misconduct". "Misconduct" implies blameworthy conduct.
- (iv) Conduct inconsistent with due and faithful discharge of duty is "misconduct".
- (v) Disregard of a mandatory condition of the contract of service of an employee may constitute "misconduct".

(vi) "Misconduct" means conduct arising from ill-motive.

(vii) A single act of omission, or error of judgment, would not ordinarily constitute "misconduct"; however, if such act or error results in serious or atrocious consequences it may amount to "misconduct".

(viii) Similarly, carelessness or negligence resulting in atrocious consequences, may constitute "misconduct". This would ordinarily apply in extreme cases, as is apparent from the illustrative examples given by the Supreme Court, akin to a sentry sleeping at his post; thereby allowing the enemy to slip through a railwayman signaling in a train on a track which there already stood a stationary train, resulting in a head-on collision, a nurse giving an injection intravenously instead of muscularly, thereby causing instantaneous death, or error on the part of a pilot in overlooking a snag in the engine, resulting in the crash of the aircraft, causing heavy loss of life. The consequences contemplated in these examples, i.e. the enemy slipping in through the border, head on collision between two trains, death owing to erroneous administration of an injection, and a crash of an aircraft resulting in heavy loss of life, make it clear that it is only the most extreme and drastic consequences which could justify categorization of mere carelessness or negligence, on the part of an officer, as "misconduct".

(ix) Gross or habitual negligence in performance of duty may, however, constitute "misconduct", even in the absence of mens rea.

(x) Misconduct must ordinarily be willful in character, and not merely an error of judgment. It must involve a transgression of some established or definite rule of conduct, or doing of some act which is forbidden.

(xi) Action which is detrimental to the prejudice of an institution, may in given cases, amount to "misconduct".

30. On the issue of negligence, a clarificatory caveat would be in place. While simple cases of negligence would not amount to "misconduct", extreme cases of negligence, as noted above, which result in disastrous catastrophic consequences, would. There is, however, an intermediate species of cases, which are generally parenthesized as cases of "gross or habitual negligence". Such cases, too, as noted above, may constitute "misconduct". It is in cases such as these, that the court has to maintain a fine balance. Negligence has, therefore, to necessarily invite corrective action. Where the negligence is simple, such corrective action may only be by way of an administrative warning, or an adverse entry in the employee's confidential report, or his being superseded for promotion or suffering loss of seniority, etc.

31. Where, however, the negligence is found to be gross, or habitual, disciplinary action is undoubtedly warranted. The court has always to be alive to the fact that there is a fundamental distinction between "mere negligence" and "gross or habitual negligence". In cases of disciplinary action, and consequent punishment, in cases of "gross" or "habitual" negligence, on the part of the employee, the exercise of jurisdiction, by the writ Court, is largely confined to examining whether the punishment awarded, or imposed, on the employee concerned, was, or was not, proportionate to the misconduct committed by him.

32. The court has occasion to cogitate on the higher degree of probity, and propriety, expected of senior functionaries in government departments, as well as in public sector undertakings, in the honest and efficient discharge of whose duties the landlord and the landless have,

alike, a pre-eminent public interest. The obverse is, however, equally true. If senior officials in public sector undertakings are expected to be circumspect in the manner in which they discharge their duties, equal circumspection is expected, of the undertaking itself, while seeking to question, or fault, decisions taken by such officials in lawful exercise of the discretion vested in them. Where the exercise of such discretion, or the discharge of duty by the official, is tainted by malafide or corrupt motives, or is found to be callously negligent, disciplinary action is undoubtedly warranted.

33. In other cases, however, it would be wholly unjustified to subject the officer concerned, to the indignity of a disciplinary proceeding, and all its agonizing sequelae, merely because, in the opinion of the disciplinary authority, the officer could have acted otherwise, or exercise his discretion in another manner. Decisions have, often, to be taken by such officers on the spur of the moment, keeping in mind the best interests of the organization or department, of which they are an integral part.

34. In considering the argument of learned counsel for the petitioner in the present case, it is noticed that the solitary article of charge levelled against the petitioner was that having appeared before Special (CBI) Court, on 01.09.2018, he gave no objection to the closure report filed by C.B.I., which, according to the said article of charge, was in contravention of the directions issued by the Department of Heavy Industries, Government of India. Therefore, he was alleged to have committed misconduct and to have acted in a manner unbecoming of a public servant thereby violating Rule 3(1) of the All India Services (Conduct) Rules, 1968.

35. Accordingly, in order to proceed against the petitioner, it had to be shown that he had acted in contravention of the directions issued by the Government of India and had, therefore, committed misconduct. In the recital to the said article of charge, it has been stated that the petitioner was asked, by means of a letter dated 20.08.2018, to appear before the Special (CBI) Court. When he appeared before the said Court, he acted contrary to the stand of the Department of Heavy Industries and

acquiesced in the acceptance of the closure report submitted by the C.B.I. Accordingly, the very foundation of the article of charge against the petitioner was that he had been given directions vide letter dated 20.08.2018, to appear before the Special (CBI) Court and to take the stand as communicated by the Department of Heavy Industries.

36. Learned counsel for the petitioner has contended that no such opinion or directions were expressed by the Department of Heavy Industries in its letter dated 20.08.2018 to oppose the closure report filed by the C.B.I. Therefore, the very foundation of the charge against the petitioner is non-existent. It was further submitted that in the absence of any material indicating that the petitioner had committed any misconduct, there was no requirement to proceed with the said enquiry, which was clearly and according to the charge, illegal and arbitrary having been framed without any application of mind or without perusing the material on record.

37. We find that this very aspect was canvassed before Central Administrative Tribunal, Lucknow. It was stated that the Department of Heavy Industries had not expressed any view to be presented before Special (CBI) Court and accordingly, in the absence of any such view, it cannot be said that the petitioner was under any direction to oppose the closure report submitted by C.B.I. According to the petitioner, Central Administrative Tribunal, Lucknow has neither considered nor recorded a clear finding with regard to the arguments raised by the petitioner but has merely rejected his contention by stating that “it cannot be said that there is no basis for framing of the charge against the applicant in the charge-sheet dated 27.04.2023.”

38. To consider the argument advanced by learned counsel for the petitioner, it is relevant to examine the two letters dated 20.08.2018. One of the letters was authored by the Joint Secretary, Department of Heavy Industries and Public Enterprises, Government of India and addressed to the Joint Director, C.B.I., Kolkata. The other letter was authored by the Director, Department of Heavy Industries and addressed to the CVO, B&R (Camp-Ranchi), Jharkhand and was endorsed to the petitioner. Since

both the letters are of great relevance and the entire argument hinges upon the aforesaid letters, the same are quoted hereinbelow:

“FIRST LETTER”

*FKC-13012/34/2015-Vig-Part III
Government of India
Department of Heavy Industry*

*To,
Shri Deepak Kumar
CVO B&R (Camp-Ranchi),
Ranchi-836004 (Jharkhand)*

*Subject: Case No. RC-21 of 2016 Dated 13.07.2016
under Section 120B r/w 420 of I.P.C and Section 13(2)
(d) of P.C. Act.*

I am directed to refer to you letter No. HQV/CVO/P-84/2018-554 dated 16.07.2018 on the subject started above.

2. This Department has also received Self Contained Note (SCN) of CBI in this case, comprising allegations, result of investigation and recommendation of C.B.I. (copy enclosed). CBI in its SCN has intimated that during investigation no evidence is found for the illegal gratification/wrongful gain by anyone, violation of FEMA guidelines etc. i.e. investigation did not substantiate the allegation of the F.I.R. However, in the said SCN CBI has recommended RDA for Major Penalty against four officers of Bridge & Roof (B&R) and action as deemed fit against another three officers of B&R for violation of instruction of Purchase Manual of B&R & CVC guidelines and other irregularities.

3. In this case, Department is not satisfied with the investigation report of CBI and has accordingly taken up the matter with Joint (Director), CBI, Kolkata (copy, enclosed) to re-look into the matter and get examined the various irregularities broadly from the criminal point of view, especially in the background that no major RDA can be initiated against the two Board level officers of B&R involved in the case due to their retirement.

4. Department is also of the view that non-substitution of the complainant will certainly hamper the Department in representing the case properly.

Therefore, complainant needs to be substituted with the present CVO of the Department to defend the case properly. In view of this, Department has decided to engage a Govt Counsel/Advocate of B&R, for filing an appeal against the order dated 19.07.2018 passed by Learned Judge Special (CBI) Court No.2, Bichar Bhawan, Kolkata, rejecting the prayer of the Department for substitution of the complainant in this case.

5. In view of above, you are requested to take necessary action for engaging Govt. Counsel /Advocate of B&R, as incicated in para 4 above. You may also appear before the Court on 01.09.2018 on behalf of B&R and may intimate the developments in the case from time to time.

Encls : as above

(Sunil Kumar Singh)

Director

Copy to :

Shri R. K. Singh, Principal Secretary Industries, Lucknow, Govt. of U.P. Please find enclosed reference from CVO B&R and DO letter written to Joint Director, CBI, Kolkata. As the CBI Court has so far not agreed to the request of DHI for substitution of complainant by the present CVO, DHI you are requested to appear before the CBI Special Court, Kolkata on 01.09.2018 and present the views of this Department as encapsulated in the DO letter to Joint Director, CBI, Kolkata.

“SECOND LETTER”

GOVERNMENT OF INDIA

MINISTRY OF

HEAVY INDUSTRIES & PUBLIC ENTERPRISES

DEPARTMENT OF HEAVY INDUSTRY

NEW DELHI-110011

Dear Shri Srivastava

Please refer to CBI's letter No.6583/RC0102016A0021/CBI/ACB/Kol dated 16.07.2018 (copy enclosed), forwarding therewith Self Contained Note (SCN) in CBI, ACB, Kolkata Case

No.RC0102016A0021 u/s 120B r/w 420 IPC and 13(2) r/w 13(1)(d) of PC Act, 1988 against Shri M. K. Singh, the then CMD of M/s Bridge & Roof Co. (India) Limited and others.

2. In the said case, CBI has filed a closure report with Special (CBI) Court, Kolkata (received in the Department from the CBI Court, Kolkata) stating that their investigation did not substantiate the allegations of the FIR. However, in the said SCN, CBI has recommended RDA for Major Penalty against four officers of Bridge & Roof (B&R) and action, as deemed fit against another three officers of B&R for violation of instructions of Purchase Manual of B&R & CVC guidelines and other irregularities.

3. Preliminary scrutiny of the SCN/ closure report of CBI in the said case, reveals several discretionary / reckless decisions taken by the officers of B&R, raising the doubt that most of the decisions were pre-meditated to favour particular persons/firm and put the officers involved under the category of doubtful integrity, therefore, appearing broadly covered under criminal misconduct. The main aspects, mentioned in the SCN/closure report of CBI, reflecting undue favour shown to particular persons/firm are annexed for your perusal.

4. In this case, two officers against whom RDA for Major Penalty has been recommended by CBI, have already retired/likely to retire in this month and hence, recommendation of RDA would be infructuous. This is stated in view of the fact that since most CPSEs, including B&R do not have pensionary benefits etc. for their employees, there is virtually no action possible post retirement against the employees. Therefore, RDA remains merely on paper and does not serve the ends of justice. CBI may, therefore, like to have a re-look at the issues as indicated in the Annexure.

5. Department, vide letter of even no. dated 13.07.2018 had also requested CBI to provide their detailed investigation report in the matter so as to have a view by the Department for presenting before the Special CBI Court, Kolkata. However, the same has still not been provided.

6. In view of above, I request you to kindly re-look into the matter and get examined the various irregularities broadly from the criminal point of view, especially in the background that no major DA can be initiated against the two Board level officers of B&R involved in the case due to their retirement. I also request you to arrange forwarding of the detailed investigation report of CBI in the case to the Department.

*Your's sincerely
(Vishvajit Sahay)*

*To,
Shri Pankaj Srivastava
Joint Director (CBI),
234/4, A.J.C. Boase Road, Nizam Place,
2nd M.S.O. Building 14th Floor,
Kolkata-700020*

39. The first letter which has been written to Joint Director (CBI), Kolkata, the Department of Heavy Industries, Government of India has only noticed that a closure report has been submitted by C.B.I. The Department of Heavy Industries was in favour of proceeding with a criminal charges against the officers of B&R for violation of instruction of purchase manual of B&R and CVC guidelines and other irregularities specially on considering the fact that the said officers have retired/ likely to retire and therefore holding of departmental enquiry against them would be infructuous apart from which they do not have any pensionary benefits and therefore no effective penalty could have been inflicted upon them. It is on this ground without having a copy of the closure report we were of the view that in case a closure report has been filed by C.B.I. then they should have re-looked into the issues. Para 6 of the aforesaid letter is also great relevance when they have asked C.B.I. to look into the matter and get examined and various irregularities from the criminal point of view and also to forward the detailed investigation report to C.B.I.

40. The important aspect which emerges from a perusal of the said letter is that the material considered by C.B.I. while submitting the closure report, wherein it did not find any material in support of the charges

levelled against the accused was never considered by the Department of Heavy Industries. In the absence of perusal of the closure report, no reasonable person could have taken a decision to file a protest petition or to oppose the closure report submitted by the C.B.I. after conducting a detailed investigation into the matter. It may be the intention of the Department of Heavy Industries to take action, which may be justified on the administrative side. However, a criminal investigation can be conducted only in accordance with the law and the various provisions of the Cr.P.C.

41. The next relevant document is the second letter dated 20.08.2018, wherein action is proposed against the order dated 19.07.2018 passed by Special (CBI) Court rejecting the application preferred by the Department of Heavy Industries for substitution of the complainant as well as the decision taken by the Department to file an appeal against the said order. In the endorsement to the said letter addressed to the petitioner, a copy of the letter addressed to Joint Director (C.B.I.), Kolkata has been enclosed and the petitioner has been directed to appear before Special (CBI) Court on 01.09.2018. The present views of the Department have also been encapsulated in the D.O. Letter dated 20.08.2018 addressed to Joint Director (C.B.I.), Kolkata.

42. Accordingly, the petitioner was directed to appear before Special (CBI) Court and place the present views of the Department. At this stage, the relevant question that arises for consideration is whether any views were formulated or expressed by the Department of Heavy Industries, Government of India and communicated to the petitioner for being placed before Special (CBI) Court. In this regard, we need not go much further except to rely upon the letter dated 20.08.2018 written by Joint Secretary, Department of Heavy Industries, Government of India asking the petitioner to furnish a copy of the investigation report to re-look into the matter and to have the same examined from the criminal point of view. There is no averment that there was any infirmity, defect or lacuna in the investigation conducted by C.B.I. requiring a re-look. Inasmuch as the closure report was never considered by the Department of Heavy

Industries, Government of India and without perusal of the closure report, it is not possible for any reasonable person to come to the conclusion that the investigation requires a re-look. Zealousness cannot override the legal requirements necessary for a challenge to be made to a closure report submitted by the Investigating Agency.

43. Needless to say, the only course open to the Department of Heavy Industries, Government of India was to prefer a protest petition before Special (CBI) Court opposing the closure report submitted by C.B.I. There is no dispute in this regard, rather it is admitted by the respondents that no protest petition was ever filed before Special (CBI) Court nor was the order accepting the closure report challenged before any court of competent jurisdiction. Accordingly, from the aforesaid material, it is evident, that no directions were issued to the petitioner to oppose the closure report submitted by C.B.I.

44. We further find merit in the submission of the petitioner that as per the provisions of Section 109 of Cr.P.C., the Court is bound to apply its mind before accepting the final report and there is no provision for either obtaining the consent of the complainant or recording his statement before accepting the closure report. It is only where the complainant intends to oppose the closure report that a protest petition has to be preferred. Failure to file objection, it is for the Trial Court, in its discretion, to examine the closure report and in case the Court is satisfied, accept the same, otherwise, it may treat the matter as a complaint case and proceed in accordance with law.

45. Accordingly, we also find merit in the argument of the petitioner that his statement of “no objection” given before the Trial Court had no bearing on the acceptance of the closure report as the same was not relevant for that purpose. We further find that there are no allegations of mala fides levelled against the petitioner nor is there any allegation that he was in collusion with the accused or the Investigating Agency. The statement, if any, given by him before the Trial Court was bona fide. Accordingly, in such circumstances, his giving no objection before the Trial Court could not be construed as misconduct warranting the initiation

of departmental proceedings.

46. Examining the peculiar facts of this case in light of the judgments discussed hereinabove, especially in the case of **General Manager, Appellate Authority, Bank of India and another vs. Mohd. Nizamuddin, 2006 (7) SCC 410**, we find that misconduct has to be understood as a transgression of some established and definite rule of action; a forbidden act; unlawful behaviour; or conduct that is wilful in character. It may be synonymous with misdemeanour, impropriety and mismanagement. In a particular case, negligence or carelessness may also amount to misconduct. It must, however, constitute a transgression of some established and definite rule of action, where no discretion is left except what necessity may demand; a forbidden action; dereliction of duty; unlawful behaviour; conduct wilful in character; improper or wrongful behaviour; acts which the officer concerned had no right to perform; failure to act in the face of an affirmative duty to act; wrongful intention; violation of a definite law or rule; or conduct of the officer inconsistent with the due and faithful discharge of his duty, arising from an ill motive.

47. In the present case, we find that a bare perusal of the two letters dated 20.08.2018 would indicate that no clear directions were given to the petitioner to make any statement before the Special (CBI) Court. In fact, the sudden query by the Court had taken the petitioner by surprise and there is no doubt that despite the presence of senior prosecutors, he would have had to make some statement before the Court.

48. The fact that there was no objection, even if recorded by the Supreme Court, cannot amount to misconduct, inasmuch as no such clear directions were given. In the present case, the interference of the Central Administrative Tribunal is called for when the petitioner challenged the charge-sheet, one of the grounds raised by him being that the said charge was not made out. Though we are conscious of the fact that a charge sheet may be assailed on very limited grounds, mainly that of jurisdiction, certainly, if the bare reading of the charge itself does not make out a case of misconduct, then the charge sheet can be judicially reviewed and

interfered with.

49. In the present case, without even considering the defence of the petitioner, we find that no charge for proceeding departmentally against the petitioner is not made out. From a bare perusal of the two letters which form the foundation of the alleged misconduct against the petitioner, it is evident that in the absence of any specific directions or any mala fide intention, the charge of misconduct against the petitioner is not made out. Accordingly, we find that the Central Administrative Tribunal has also not considered the arguments of the petitioner in their correct perspective, nor has it examined the two letters dated 20.07.2018 to determine whether the petitioner acted contrary to the directions contained in the said letters.

50. It is for the aforesaid reasons that we find that the charge of misconduct is not made out against the petitioner and, therefore, the same requires interference by this Court.

51. It is upon consideration of the aforesaid material that we find that there is no ground for proceeding departmentally against the petitioner for having given no objection before the Trial Court, which was required to examine the closure report and pass necessary orders in accordance with Section 190 of the Cr.P.C.

52. We further find that no opinion was expressed by the Department of Heavy Industries, Government of India, which could have been placed before Special (CBI) Court. We also do not find any material to indicate that the petitioner was ever directed to oppose the closure report before Special (CBI) Court.

53. For the aforesaid reasons, we do not find that on the basis of the material available on record, any act of misconduct can be alleged against the petitioner. Consequently, we find sufficient grounds to interfere with the departmental proceedings as well as the judgment of the Central Administrative Tribunal, Lucknow, whereby the contention of the petitioner was rejected and the respondents were permitted to proceed departmentally against him.

54. The entire exercise of disciplinary action, taken in the present case against the petitioner, stands vitiated, ab initio, having been initiated, and proceeded with, in complete ignorance, or, possibly, in deliberate disregard, of what constitutes "misconduct", as to justify action against the officer guilty thereof. This court is convinced that, placed in the circumstances in which he found himself, the petitioner acted in the best interests of the organization, trusting his judgment in the bargain. It is impossible, in these circumstances, to hold that any misconduct had been committed by the petitioner.

55. To start subjecting such decisions, taken bonafide, to a microscopic analysis, and proceed against the officer(s) on the ground that the decision lacked in the requisite degree of prudence - as opposed to propriety - would not only be grossly unfair to the officer, but would, in the ultimate analysis, be deleterious to the interests of the organization and, therefore, to public interest itself. Officers cannot be penalized for losses suffered by the organization, where they have acted in the best interests of the organization, and as per their best judgment, untainted by malafide, ulterior motives, or corrupt considerations. Else, the proverbial sword would forever be hanging over the heads of these officers, thereby inhibiting them from acting on the basis of their best judgment, or analysis, of the situation - a position which no civilized legal system can tolerate.

56. Tested on this anvil, it is clear that no misconduct can be attributed to the petitioner. There is no evidence of any of the acts, regarding which he was subjected to disciplinary proceedings, having been tainted by mensrea, or any wilful intention to transgress an established rule of conduct. It is unfortunate that, despite the Supreme Court having taken such pains, to set out, extensively, the ambit of the expression "misconduct", subjective decisions, of officers holding responsible positions, taken in the exigencies of the circumstances in which they find themselves, are, even today, being made subject matter of disciplinary proceedings, causing endless hardship and trauma to the officer concerned.

57. Undoubtedly, if the acts of an officer are tainted by malice, a wilful intention to transgress propriety, or corrupt motives, no leniency, whatsoever, can be shown to him, or her, and the officer concerned has to endure the inevitable consequences of his, or her, action. It would be folly, however, to, as in the present case, subject executive decisions taken by officers holding responsible positions, such as the petitioner, to a microscopic scrutiny and, merely because, in the perception of the establishment, the action was imprudent, negligent or careless, proceed against the officer departmentally.

58. In the present case, an officer acting bona fide without any trace of corrupt intent, ill-motive, or personal gain, cannot be said to have committed "misconduct". The mere fact that his statement ran contrary to the departmental expectation encapsulated in the D.O. letter dated 20.08.2018 does not transform a bonafide exercise of judgment into a disciplinary delinquency. In the absence of any finding that the petitioner acted out of malice, bad faith, or corrupt considerations, the initiation and continuation of disciplinary proceedings against him are wholly unsustainable in law and deserve to be quashed.

59. Accordingly, the writ petition is **allowed**. The charge-sheet, the disciplinary proceedings initiated against the petitioner, and all consequential penalty orders/proceedings arising therefrom are hereby quashed and set aside.

60. The respondents are directed to restore all service benefits, including promotional and monetary entitlements, to which the petitioner would have been entitled had such disciplinary proceedings not been initiated against him, within a period of twelve weeks from today.

(Amitabh Kumar Rai,J.) (Alok Mathur,J.)

September 28, 2026

Mahesh