



2026:AHC-LKO:40673

**AFR**

**HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW**

**WRIT - A No. - 2342 of 2026**

Santosh Kumar Singh

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy./Prin. Secy.  
Appointment And Personnel Deptt. Lko And 2 Others

.....Respondent(s)

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Counsel for Petitioner(s) : Rajesh Kumar, Raj Kumar Singh, Ravi Singh  
Counsel for Respondent(s) : C.S.C.

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**RESERVED ON 25.5.2026**

**DELIVERED ON 10.6.2026**

**Court No. - 3**

**HON'BLE KARUNESH SINGH PAWAR, J.**

1. Heard Shri Ravi Singh, learned counsel for the petitioner, and Shri Sudhir Kumar Singh, learned Standing Counsel for the respondent-State.

**FACTS AND RELIEFS SOUGHT**

**Reliefs Claimed in the Writ Petition**

2. By means of the present petition, the petitioner has sought quashing of the impugned punishment order dated 10.09.2025 passed by respondent No. 2, as contained in Annexure-1 to the writ petition.

3. Another writ in the nature of certiorari has been sought for setting aside the consequential order dated 09.12.2025 passed by respondent No. 2, as contained in Annexure-2 to the writ petition, whereby the representation submitted by the petitioner against the punishment order has been rejected.

4. The petitioner has further prayed for issuance of a writ, order or direction in the nature of mandamus commanding the respondents not to give effect to the impugned orders dated 10.09.2025 and 09.12.2025 and to restore all consequential service benefits, including the withheld increment, as if the impugned orders had never been passed.

### **Facts Giving Rise to the Present Petition**

5. The brief facts of the case are that the District Magistrate, Lucknow, vide letter dated 13.12.2018, recommended initiation of disciplinary proceedings against the petitioner, who was then posted as Sub-Divisional Magistrate, Mohanlalganj, Lucknow, for alleged irregularities committed by him in the allotment of a housing site in Village Bhasanda, Pargana Nigoha, Tehsil Mohanlalganj, District Lucknow.

6. Consequently, vide order dated 13.02.2019, disciplinary proceedings were initiated against the petitioner under Rule 7 of the Uttar Pradesh Government Servant (Discipline and Appeal) Rules, 1999 (hereinafter referred to as the "Rules, 1999"), and the Commissioner, Lucknow Division, Lucknow, was appointed as the Inquiry Officer.

7. Thereafter, an approved charge-sheet dated 28.05.2019 was served upon the petitioner. The petitioner submitted his reply to the charge-sheet, whereafter the Inquiry Officer conducted the inquiry and submitted his inquiry report to the State Government vide letter dated 26.11.2020.

8. From a perusal of the record, it appears that out of the two charges levelled against the petitioner, Charge No. 1 was found proved in the inquiry report. Thereafter, the State Government, vide letter dated 17.12.2020, forwarded a copy of the inquiry report to the delinquent petitioner and called for his representation thereon. In response, the petitioner submitted his reply/representation to the Government vide letter dated 27.02.2021.

**Findings Recorded by the Disciplinary Authority**

9. After considering the charge-sheet, the inquiry report, and the reply submitted by the petitioner to the show-cause notice, it was found that the petitioner had approved the list prepared by the Naib Tehsildar and the Kanoongo for allotment of housing sites in Village Bhasanda without properly scrutinizing the eligibility and ineligibility of the beneficiaries, for which he was held responsible.

10. It was further found that the petitioner had granted approval to the proposal passed by the Land Management Committee without due scrutiny, which reflected laxity and negligence on his part in the discharge of his official duties. The competent authority also recorded that no new facts had been brought on record by the petitioner in his representation.

11. Accordingly, it was concluded that the petitioner had committed misconduct. Thereafter, vide letter dated 30.06.2025, the State Government sought the concurrence of the Uttar Pradesh Public Service Commission. The Commission accorded its concurrence vide communication dated 30.08.2025.

12. Consequently, vide order dated 10.09.2025, the State Government imposed upon the petitioner the punishment of permanent withholding of one annual increment along with the penalty of censure.

13. Aggrieved by the aforesaid punishment order dated 10.09.2025, the petitioner submitted a representation before the State Government. However, the said representation was rejected and the punishment order was upheld.

**SUBMISSIONS ADVANCED ON BEHALF OF THE PETITIONER**

14. Learned counsel for the petitioner submits that no regular inquiry was

conducted by the Inquiry Officer. It is contended that no date, time or place for holding the inquiry was ever fixed and that no oral inquiry was conducted. According to the petitioner, the entire inquiry proceedings were conducted dehors the provisions of the Uttar Pradesh Government Servant (Discipline and Appeal) Rules, 1999.

**15.** It is further submitted that after the petitioner had submitted his reply to the inquiry report, the State Government sought the opinion of the Board of Revenue with respect to the charges levelled against him in the inquiry proceedings.

**16.** The Board of Revenue, after examining the records as well as the Government Order dated 18.05.1972, opined that the petitioner, Shri Santosh Kumar Singh, had exercised the requisite vigilance and that, immediately upon coming to know of certain irregularities, he had initiated proceedings for cancellation of the allotments. The Board further opined that there was no mala fide intention or ill will on the part of the petitioner in the matter.

**17.** It was also observed that the proceedings relating to cancellation of the lease deeds concerning the allotment of housing sites were pending adjudication in Case No. 12/2008-09 before the Additional Commissioner. Therefore, the Board of Revenue opined that it would be appropriate to initiate proceedings against the petitioner only if the concerned court were to record any adverse finding against him. Lastly, the Board of Revenue found the explanation submitted by the petitioner to be satisfactory.

#### **SUBMISSIONS ADVANCED ON BEHALF OF THE RESPONDENTS**

**18.** Per contra, learned Standing Counsel has opposed the aforesaid contention and submitted that the petitioner never requested for an oral hearing during the course of the inquiry proceedings.

**19.** It is contended that since no such request was ever made by the petitioner, no occasion arose for granting an oral hearing.

**20.** It is further submitted that, having failed to seek an oral hearing at the relevant stage, the petitioner is now estopped from contending that he was denied an opportunity of oral hearing or that the inquiry proceedings stand vitiated on that account.

**21.** Lastly, it is contended that Charge No. 1 has been found proved by the Inquiry Officer. It has been recorded in the inquiry report that, despite being the supervisory/reviewing authority, the charged officer-petitioner approved the recommendations/comments submitted by the subordinate revenue officials as they were, without undertaking any independent scrutiny. Such conduct was found to be contrary to the Government Order dated 19.05.1972.

## **CONSIDERATION BY THE COURT**

### **Findings Regarding Conduct of Inquiry**

**22.** Perused the record.

**23.** It is not disputed that no oral inquiry was conducted by the Inquiry Officer. Admittedly, no date, time or place for holding the inquiry was ever fixed. Further, no oral evidence was led by the Presenting Officer/department before the Inquiry Officer to prove the documents and other materials relied upon in support of Charge No. 1 and appended to the charge-sheet.

**24.** The record further reveals that the findings recorded by the Inquiry Officer are based solely on the documentary material available on record, without examining any witness or affording the petitioner an opportunity to

cross-examine the witnesses relied upon by the department.

## **RELEVANT STATUTORY PROVISIONS**

### **Rule 7 of the Uttar Pradesh Government Servant (Discipline and Appeal) Rules, 1999**

25. Admittedly, the disciplinary proceedings against the petitioner have been conducted under the provisions of the Uttar Pradesh Government Servant (Discipline and Appeal) Rules, 1999. The relevant portion of Rule 7 of the Rules, 1999 is extracted below:

*"7. Procedure for imposing major penalties. Before imposing any major penalty on a Government servant, an inquiry shall be held in the following manner:*

*(i) The Disciplinary Authority may himself inquire into the charges or appoint an authority subordinate to him as Inquiry Officer to inquire into the charges.*

*(ii) The facts constituting the misconduct on which it is proposed to take action shall be reduced in the form of definite charge or charges to be called charge-sheet. The charge-sheet shall be approved by the Disciplinary authority: "*

*Provided that where the Appointing Authority is Governor, the charge-sheet may be approved by the Principal Secretary or the Secretary, as the case may be, of the concerned department.*

*(iii) The charges framed shall be so precise and clear as to give sufficient indication to the charged Government servant of the facts and circumstances against him. The proposed documentary evidences and the name of witnesses proposed to prove the same along with oral evidences, if any, shall be mentioned in the charge-sheet.*

*(iv) The Charged Government servant shall be required to put in a written statement of his defence in person on a specified date which shall not be less than 15 days from the date of issue of charge-sheet and to state whether he desires to cross-examine any witness mentioned in the charge-sheet and whether desires to give or produce evidence in his defence. He shall also be informed that in case he does not appear or file the written statement on the specified date, it will be presumed that he has none to furnish and inquiry officer shall proceed to complete the inquiry ex parte.*

(v) *The charge-sheet, along with the copy of documentary evidences mentioned therein and list of witnesses and their statements, if any shall be served on the charged Government servant personally or by registered post at the address mentioned in the official records in case the charge-sheet could not be served in aforesaid manner, the charge-sheet shall be served by publication in a daily newspaper having wide calculation:*

*Provided that where the documentary evidence is voluminous, instead of furnishing its copy with charge-sheet, the charged Government servant shall be permitted to inspect the same before the Inquiry Officer.*

(vi) *Where the charged Government servant appears and admits the charges, the Inquiry Officer shall submit his report to the Disciplinary Authority on the basis of such admission.*

(vii) *Where the charged Government servant denies the charges the Inquiry Officer shall proceed to call the witnesses proposed in the charge- sheet and record their oral evidence in presence of the charged- Government servant who shall be given opportunity to cross-ex- amine such witnesses. After recording the aforesaid evidences, the Inquiry Officer shall call and record the oral evidence which the charged Government servant desired in his written statement to be produced in his defence:*

*Provided that the Inquiry Officer may for reasons to be recorded in writing refuse to call a witness.*

(viii) *The Inquiry Officer may summon any witnesses to give evidence or require any person to produce documents before him in accord- ance with the provisions of the Uttar Pradesh Departmental Inquir- ies (Enforcement of Attendance of witnesses and Production of Docu- ments) Act, 1976.*

(ix) *The Inquiry Officer may ask any question he pleases, at any time of any witness or from person charged with a view to discover the truth or to obtain proper proof of facts relevant to charges(x) Where the charged Government servant does not appear on the date fixed in the inquiry or at any stage of the proceeding in spite of the service of the notice on him or having knowledge of the date, the Inquiry Officer shall proceed with the inquiry ex parte. In such a case the Inquiry Officer shall record the statement of witnesses mentioned in the charge-sheet In absence of the charged Government servant.*

(xi) *The Disciplinary Authority, if it considers it necessary to do so, may, by an order appoint a Government servant or a legal practitioner, to be known as "Presenting Officer" to present on its behalf the case in support of the charge.*

(xii) *The Government servant may take the assistance of any other Government servant to present the case on his behalf but not engage a legal practitioner for the purpose unless the presenting officer appointed by the Disciplinary Authority is a legal practitioner of the Disciplinary Authority having regard to the circumstances of the case so permits:*

*Provided that this rule shall not apply in following cases :-*

*(1) Where any major penalty is imposed on a person on the ground of conduct which has led to his conviction on a criminal charge; or*

*(ii) Where the Disciplinary Authority is satisfied, that for reason to be recorded by it in writing, that it is not reasonably practicable to held an inquiry in the manner provided in these rules; or*

*(iii) Where the Governor is satisfied that, in the. Interest of the security of the State, it is not expedient to hold an inquiry in the manner provided in these rules."*

#### **LAW LAID DOWN BY THE HON'BLE SUPREME COURT**

**26.** The Hon'ble Supreme Court in **State of U.P. v. Saroj Kumar Sinha, (2010) 2 SCC 772**, while interpreting Rule 7 of the Rules, 1999, has held that where the entire inquiry proceedings are conducted without leading any oral evidence to prove the charges, the inquiry stands vitiated.

**27.** The relevant paragraphs 25, 30, 37, 39, 40, 41 and 43 from the judgment of *Saroj Kumar Sinha* are extracted below:

*"25. A bare perusal of the aforesaid charges shows that the three charges were based on official documents/official communications. We have earlier noticed the relentless efforts made by the respondent to secure copies of the documents, which was sought to be relied upon, to prove the charges. These were denied by the Department in flagrant disregard of the mandate of Rule 7 sub-rule (v). Therefore the inquiry proceedings are clearly vitiated having been held in breach of the mandatory sub-rule (v) of Rule 7 of the 1999 Rules.*

*30. When a departmental enquiry is conducted against the government servant it cannot be treated as a casual exercise. The enquiry proceedings also cannot be conducted with a closed mind. The inquiry officer has to be wholly unbiased. The rules of natural justice are required to be observed to ensure not only that justice is done but is manifestly seen to be done. The object of rules of natural justice is to ensure that a government servant is treated fairly in proceedings which may culminate in imposition of punishment including dismissal/removal from service.*

*37. We are of the considered opinion that the aforesaid observations are fully applicable in the facts and circumstances of this case. Non-disclosure of documents having a potential to cause prejudice to a government servant in the enquiry proceedings would clearly be denial of a reasonable opportunity to submit a plausible and effective rebuttal to the charges being enquired into against the government servant.*

*39. The proposition of law that a government employee facing a departmental enquiry is entitled to all the relevant statements, documents and other materials to enable him to have a reasonable opportunity to defend himself in the departmental enquiry against the charges is too well established to need any further reiteration. Nevertheless given the facts of this case we may re-emphasise the law as stated by this Court in State of Punjab v. Bhagat Ram [(1975) 1 SCC 155 : 1975 SCC (L&S) 18] : (SCC p. 156, paras 6-8)*

*"6. The State contended that the respondent was not entitled to get copies of statements. The reasoning of the State was that the respondent was given the opportunity to cross-examine the witnesses and during the cross-examination the respondent would have the opportunity of confronting the witnesses with the statements. It is contended that the synopsis was adequate to acquaint the respondent with the gist of the evidence.*

*7. The meaning of a reasonable opportunity of showing cause against the action proposed to be taken is that the government servant is afforded a reasonable opportunity to defend himself against charges on which inquiry is held. The government servant should be given an opportunity to deny his guilt and establish his innocence. He can do so when he is told what the charges against him are. He can do so by cross-examining the witnesses produced against him. The object of supplying statements is that the government servant will be able to refer to the previous statements of the witnesses proposed to be examined against the government servant. Unless the statements are given to the government servant he will not be able to have an effective and useful cross-examination.*

*8. It is unjust and unfair to deny the government servant copies of statements of witnesses examined during investigation and produced at the inquiry in support of the charges levelled against the government servant.*

*A synopsis does not satisfy the requirements of giving the government servant a reasonable opportunity of showing cause against the action proposed to be taken."*

**40.** *We may also notice here that the counsel for the appellant sought to argue that the respondent had even failed to give a reply to the show-cause notice issued under Rule 9. The removal order, according to him, was therefore justified. We are unable to accept the aforesaid submission. The first enquiry report dated 3-8-2001, is clearly vitiated, for the reasons stated earlier. The second enquiry report cannot legally be termed as an enquiry report as it is a reiteration of the earlier enquiry report. Asking the respondent to give reply to the enquiry report without supply of the documents is to add insult to injury.*

**41.** *In our opinion the appellants have deliberately misconstrued the directions issued by the High Court in Writ Petition No. 937 of 2003. In terms of the aforesaid order the respondent was required to submit a reply to the charge-sheet upon supply of the necessary document by the appellant. It is for this reason that the High Court subsequently while passing an interim order on 7-6-2004 in Writ Petition No. 793 of 2004 directed the appellant to ensure compliance of the order passed by the Division Bench on 23-7-2003. In our opinion the actions of the inquiry officers in preparing the reports ex parte without supplying the relevant documents has resulted in miscarriage of justice to the respondent. The conclusion is irresistible that the respondent has been denied a reasonable opportunity to defend himself in the enquiry proceedings.*

**43.** *Taking into consideration the facts and circumstances of this case we have no hesitation in coming to the conclusion that the respondent had been denied a reasonable opportunity to defend himself in the inquiry. We, therefore, have no reason to interfere with the judgment of the High Court."*

**28.** Recently, in the judgment of *Satyendra Singh v. State of Uttar Pradesh and Another*, reported in 2024 SCC OnLine SC 3325, the Hon'ble Supreme Court, while relying upon *State of Uttar Pradesh v. Saroj Kumar Sinha* (2010) 2 SCC 772 and *Roop Singh Negi v. Punjab National Bank* (2009) 2 SCC 570, reiterated the aforesaid legal position.

**29.** The relevant paragraphs 6, 8, 15 and 17 are extracted below:

*"6.Learned counsel representing the appellant urged that the inquiry proceedings conducted against the appellant were in gross dereliction of Rule 7(3) of the Uttar Pradesh Government Servant(Discipline and Appeal) Rules, 1996. The disciplinary proceedings were initiated and allegations constituting major penalty were proposed by Inquiry Officer. Since the appellant had emphatically denied the charges, it was incumbent upon the Inquiry Officer to have recorded evidence to establish the charges attributed to the appellant. However, admittedly, not a single witness was examined by the Inquiry Officer to bring home the charges, and thus, the inquiry report is non est in the eyes of law. He, therefore, urged that the Tribunal was perfectly justified in quashing the inquiry proceedings and the order imposing penalty vide order dated 5th June, 2015 and that the High Court fell in grave error of law whilst allowing the writ petition and reversing the order passed by the Tribunal. He, therefore, implored the Court to accept the appeal, set aside the judgment passed by the High Court and restore the order passed by the Tribunal.*

*8.We have given our thoughtful consideration to the submissions advanced at bar and have carefully gone through the impugned judgments and the material available on record.*

*15. Same view was reiterated in State of Uttar Pradesh v. Saroj Kumar Sinha,<sup>12</sup> wherein, this Court held that even in an ex-parte inquiry, it is the duty of the Inquiry Officer to examine the evidence presented by the Department to find out whether the un rebutted evidence is sufficient to hold that the charges are proved. The relevant observations made in Saroj Kumar Sinha<sup>13</sup> are as follows:—*

*"28. An inquiry officer acting in a quasi-judicial authority is in the position of an independent adjudicator. He is not supposed to be a representative of the department/disciplinary authority/Government. His function is to examine the evidence presented by the Department, even in the absence of the delinquent official to see as to whether the un rebutted evidence is sufficient to hold that the charges are proved. In the present case the aforesaid procedure has not been observed. Since no oral evidence has been examined the documents have not been proved, and could not have been taken into consideration to conclude that the charges have been proved against the respondents.*

....

33. As noticed earlier in the present case not only the respondent has been denied access to documents sought to be relied upon against him, but he has been condemned unheard as the inquiry officer failed to fix any date for conduct of the enquiry. In other words, not a single witness has been examined in support of the charges levelled against the respondent. The High Court, therefore, has rightly observed that the entire proceedings are vitiated having been conducted in complete violation of the principles of natural justice and total disregard of fair play. The respondent never had any opportunity at any stage of the proceedings to offer an explanation against the allegations made in the charge-sheet."

(emphasis supplied)

17. Thus, even in an ex-parte inquiry, it is sine qua non to record the evidence of the witnesses for proving the charges. Having tested the facts of the case at hand on the touchstone of the Rules of 1999, and the law as expounded by this Court in the cases of *Roop Singh Negi*<sup>15</sup> and *Nirmala J. Jhala*<sup>16</sup>, we are of the firm view that the inquiry proceedings conducted against the appellant pertaining to charges punishable with major penalty, were totally vitiated and non-est in the eyes of law since no oral evidence whatsoever was recorded by the department in support of the charges."

## FINDINGS OF THIS COURT

### Violation of Rule 7 and Principles of Natural Justice

30. Thus, it is well settled that where no oral evidence is led by the department to prove the documents relied upon in support of the charge-sheet, such documentary evidence cannot be taken into consideration by the Inquiry Officer for recording a finding of guilt against the charged employee.

31. In the present case, it is an admitted position that no oral inquiry was conducted. No date, time or place for holding the inquiry was ever fixed. Consequently, the entire disciplinary proceedings stand vitiated, having been conducted in complete disregard of the principles of natural justice as well as the mandatory procedure prescribed under the Rules, 1999.

**Non-Consideration of Petitioner's Defence**

**32.** Further, the reply/representation submitted by the petitioner on 27.02.2021 has not been duly considered by the disciplinary authority. A perusal of the impugned punishment order reveals that no finding has been recorded on the specific defence raised by the petitioner in his reply. The impugned order is wholly non-speaking, cryptic and devoid of reasons.

**33.** It is also evident that up to paragraph 7 of the punishment order, the disciplinary authority has merely reproduced the contents of the charge-sheet, the inquiry report and the reply submitted by the petitioner. No independent analysis or finding has been recorded.

**34.** It is only in paragraphs 8 and 9 that the disciplinary authority has recorded its conclusions. Even therein, no consideration whatsoever has been given to the specific defence taken by the petitioner, nor has any reason been assigned for rejecting the same.

**35.** The failure of the disciplinary authority to deal with the petitioner's defence and to record reasons while affirming the findings of guilt clearly demonstrates total non-application of mind, rendering the impugned punishment order unsustainable in law.

**Non-Consideration of Board of Revenue Report**

**36.** The impugned punishment order further appears to have been passed without even making any reference to the opinion of the Board of Revenue dated 19.04.2022, as contained in Annexure RA-5 to the Rejoinder Affidavit.

**37.** The opinion of the Board of Revenue constituted a relevant material bearing directly upon the culpability of the petitioner. The complete

omission to consider the same further vitiates the impugned punishment order.

### **Inordinate and Unexplained Delay**

**38.** This Court has also noticed that the impugned order dated 10.09.2025, as contained in Annexure-1 to the writ petition, suffers from inordinate and unexplained administrative delay in the conclusion of the disciplinary proceedings.

**39.** The disciplinary proceedings were initiated on 13.02.2019. Even after submission of the petitioner's final representation against the inquiry report on 27.02.2021, the matter remained pending without any justifiable reason.

**40.** The State Government continued to sit over the matter for nearly four years and sought the opinion of the Uttar Pradesh Public Service Commission only in June, 2025. Thereafter, the final punishment order came to be passed only on 10.09.2025.

**41.** The Hon'ble Supreme Court in *State of Madhya Pradesh v. Bani Singh*, 1990 Supp (1) SCC 738, and *P.V. Mahadevan v. Managing Director, Tamil Nadu Housing Board*, (2005) 6 SCC 636, has deprecated prolonged and unexplained delay in disciplinary proceedings and has held that such delay causes serious prejudice to the delinquent employee.

### **Conclusion**

**42.** Having considered the rival submissions advanced by the learned counsel for the parties and upon a careful examination of the record, this Court finds that the disciplinary proceedings conducted against the petitioner suffer from fundamental procedural infirmities which strike at the very root of the inquiry.

**43.** The record unequivocally demonstrates that no oral inquiry was ever conducted by the Inquiry Officer. No date, time or place was fixed for holding the inquiry and no witness was produced by the department in support of the charges levelled against the petitioner. The documents relied upon in support of the charge-sheet were not proved through admissible oral evidence. The petitioner was consequently deprived of his valuable right to cross-examine the witnesses relied upon by the department and to effectively defend himself against the allegations. The procedure adopted by the Inquiry Officer is, therefore, in complete contravention of Rule 7 of the Uttar Pradesh Government Servant (Discipline and Appeal) Rules, 1999.

**44.** This Court further finds that the law on the issue is no longer *res integra*. The Hon'ble Supreme Court in *State of U.P. v. Saroj Kumar Sinha*, (2010) 2 SCC 772, and more recently in *Satyendra Singh v. State of Uttar Pradesh and Another*, 2024 SCC OnLine SC 3325, has categorically held that even in an *ex parte* inquiry it is mandatory for the department to lead evidence in support of the charges and for the Inquiry Officer to record the statements of witnesses so as to establish the allegations levelled against the delinquent employee. The Hon'ble Supreme Court has further held that documentary evidence, unless proved in accordance with law, cannot by itself form the basis of a finding of guilt. The inquiry proceedings in the present case have been conducted in complete disregard of the aforesaid settled principles of law.

**45.** The impugned punishment order further reveals that the disciplinary authority has failed to independently consider the defence raised by the petitioner. A disciplinary authority exercising quasi-judicial powers is under a legal obligation to consider the defence put forth by the delinquent employee and to assign reasons while accepting or rejecting the same. The recording of reasons is an essential facet of fair decision-making and constitutes a safeguard against arbitrary exercise of power. However, in the present case, except for a mechanical reproduction of the charge-sheet,

inquiry report and the petitioner's explanation, no independent discussion or objective analysis is discernible from the impugned order.

**46.** This Court also finds substance in the submission advanced on behalf of the petitioner regarding the opinion rendered by the Board of Revenue. The material available on record indicates that the Board of Revenue, after examining the relevant records and the applicable Government Orders, opined that the petitioner had exercised due vigilance and had initiated corrective measures immediately upon noticing the alleged irregularities. The Board of Revenue further found no mala fide intention or ulterior motive attributable to the petitioner and considered his explanation satisfactory. Such opinion constituted a relevant and material piece of evidence which ought to have been considered by the disciplinary authority before arriving at any final conclusion. The complete omission to consider such material renders the decision-making process arbitrary and vitiates the impugned order.

**47.** This Court is also unable to ignore the inordinate and unexplained delay which has occurred in the conclusion of the disciplinary proceedings. Although the inquiry report was submitted on 26.11.2020 and the petitioner furnished his representation on 27.02.2021, the matter remained pending for nearly four years thereafter without any satisfactory explanation forthcoming from the respondents. The final punishment order came to be passed only on 10.09.2025. Such prolonged delay defeats the very object of disciplinary proceedings and causes serious prejudice to a government servant, who remains under a cloud of uncertainty for an indefinite period. The Hon'ble Supreme Court in *State of Madhya Pradesh v. Bani Singh and P.V. Mahadevan v. Managing Director, Tamil Nadu Housing Board* has repeatedly cautioned against such unexplained delays and has recognized the prejudice caused thereby to the delinquent employee.

**48.** Apart from the procedural violations noticed above, the nature of the

allegation itself also deserves consideration. The charge against the petitioner essentially relates to alleged lack of adequate scrutiny while granting approval on the recommendations forwarded by subordinate revenue officials. There is no finding recorded by the disciplinary authority that the petitioner derived any personal benefit from the alleged transaction or that he acted with any mala fide intention. There is also no finding of corruption, dishonesty, misappropriation or abuse of official position. In such circumstances, strict adherence to the prescribed procedure and the principles of natural justice assumes even greater significance. Once the mandatory procedure has not been followed, the punishment imposed upon the petitioner cannot be sustained.

**49.** The cumulative effect of the aforesaid circumstances, namely, (i) complete absence of oral inquiry, (ii) failure to prove the charges through admissible evidence, (iii) denial of effective opportunity of defence, (iv) non-consideration of the petitioner's detailed representation, (v) omission to consider the opinion of the Board of Revenue, (vi) non-speaking and mechanical nature of the punishment order, and (vii) inordinate and unexplained delay in concluding the disciplinary proceedings, leaves this Court with no manner of doubt that the impugned punishment order cannot withstand judicial scrutiny.

**50.** Accordingly, this Court is satisfied that the impugned punishment order dated 10.09.2025 and the consequential order dated 09.12.2025 are legally unsustainable and are liable to be quashed.

**51.** The writ petition is accordingly **allowed**.

**52.** The impugned punishment order dated 10.09.2025, as contained in Annexure-1 to the writ petition, is hereby quashed.

**53.** The consequential order dated 09.12.2025, as contained in Annexure-2 to the writ petition, is also hereby quashed.

**54.** A writ in the nature of mandamus is issued commanding the respondents to restore all consequential service benefits to the petitioner, including restoration of the withheld annual increment, re-fixation of pay, release of consequential monetary benefits and all attendant service benefits, as if the impugned orders had never been passed.

**55.** The aforesaid exercise shall be completed by the competent authority within a period of three months from the date of production of a certified copy of this order before the authority concerned.

**56.** No order as to costs.

**June 10, 2026**  
Madhu

**(Karunesh Singh Pawar,J.)**