

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH
PATNA

O.A. 050/00389/2025

Reserved on: 30.09.2026

Pronounced on: 13.10.2026

Coram: Hon'ble Mr. Justice Narendra Kumar Johari, Judicial Member

Hon'ble Mr. Kumar Rajesh Chandra, Administrative Member



In the matter of:

Aditya Kumar (IPS- 2011 Batch, 64 RR)

Son of Shri Sunderpal, Office of the Inspector General of Police Patna, Department of Home, Government of Bihar, Patna, Resident of B-505, Vasikunj Apartment, Saguna More, Patna-801503 (Bihar).

.....Applicant

VS.

1. The Union of India through the Secretary to the Government of India, Ministry of Home Affairs, North Block, New Delhi-110001.
2. The State of Bihar through the Chief Secretary, Government of Bihar, Patna (Bihar)-800001.
3. The Additional Chief Secretary, Department of Home (Police Division), Government of Bihar, Sardar Patel Bhawan, Bailey Road, Patna (Bihar)-800023.
4. The Principal Secretary, Department of Home, Government of Bihar, Sardar Patel Bhawan, Bailey Road, Patna-800023.
5. The Director General of Police, Government of Bihar, Sardar Patel Bhawan, Bailey Road, Patna (Bihar)- 800023.
6. The Deputy Secretary, Department of Home, Government of Bihar, Patna- 800001.

..... Respondents

For The Applicant(s): Mr. M. P. Dixit

For The Respondent(s): Mr. T. N. Thakur
Mr. Sarvdeo Singh
Mr. A. K. Sharma
Mr. Sanjay Kumar

O R D E R

Per: Kumar Rajesh Chandra, Member (A)



The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:

“8.1 That Your Lordships may graciously be pleased to quash and set aside the disciplinary proceedings initiated against applicant vide Memorandum No. 1/M-2-60-58/2022, Home Department. 4103, Government of Bihar, Patna issued under the signature of Deputy Secretary, Department of Home, Bihar, Patna as contained in Annexure A/1 communicated through letter dated 08.04.2025 as has been issued with an ill motive to deprive the applicant from being promoted to the post of Deputy Inspector General of Police (DIG) in Level-13-A onwards which is not only based on false, concocted and fabricated facts but also based conjectures and surmises only to harass, humiliate, punish and tarnish the image of the applicant.

8.2 That your Lordships may graciously be pleased to command/ direct the Respondents to drop the aforesaid Charge Memorandum dated 25.03.2025 henceforth.

8.3 That your Lordships may graciously be pleased to grant all consequential benefits including promotion in Level-13 and Level-13A at par with his batchmates including juniors in favour of the applicant treating as no proceeding is pending without any further delay.

8.4 Any other relief or reliefs including the cost of the proceeding may be allowed in favour of the applicant.”

2. For the sake of clarity, facts in the case as stated by the applicant in his OA, are delineated and discussed herein under:-

The applicant, while posted under the Inspector General of Police, Bihar, Patna, was implicated by the Economic Offences Unit (EOU), Bihar, Patna, in FIR No. 33/2022 dated 15.10.2022 under Sections 353, 387, 419, 420, 467, 468 and 120-B of the IPC and Sections 66(C) and 66(D) of the

Information Technology Act, 2000. It is submitted that the allegations did not relate to any charge of corruption.

Pursuant thereto, vide order dated 18.10.2022, the applicant was placed under suspension with effect from 18.10.2022 under Rule 3(3) of the All India Services (Discipline and Appeal) Rules, 1969. The suspension was subsequently extended from time to time vide orders dated 15.12.2022, 11/12.04.2023 and 06.10.2023.



According to the applicant, the continuance of suspension beyond 17.10.2023 was contrary to the amended provisions of Rule 3 of the AIS (D&A) Rules, 1969, read with the DoP&T Office Memorandum dated 25.05.2016, which provide that suspension of a member of service on charges other than corruption shall not ordinarily exceed one year and can be continued beyond one year only on the recommendation of the Central Review Committee.

The applicant submitted a representation dated 05.11.2023 seeking revocation of suspension, relying, *inter alia*, upon the judgment of the Hon'ble Supreme Court in *Ajay Kumar Choudhary v. Union of India*. However, the suspension was not revoked. The applicant was also subsequently implicated in Special Vigilance Unit (SVU) P.S. Case No. 16/2022 concerning allegations of disproportionate assets, but no departmental proceeding was initiated against him for a considerable period.

In connection with FIR No. 33/2022, the applicant surrendered before the competent criminal court on 05.12.2023 in compliance with the order of the Hon'ble Supreme Court and was sent to judicial custody. Subsequently, he was enlarged on bail on 25.04.2024. The charge-sheet in

FIR No. 33/2022 was submitted only on 06.03.2024, and, according to the applicant, no departmental charge memorandum had been served upon him even after more than two years of suspension.

After his release on bail, the applicant submitted another representation dated 04.07.2024 seeking revocation of suspension. However, instead of revoking the suspension, the respondents extended it vide order dated 04.10.2024 up to 05.04.2025.



Aggrieved thereby, the applicant approached this Tribunal by filing OA No. 907 of 2024. The said OA was disposed of on 20.03.2025. The Tribunal held that the orders extending the suspension beyond 17.10.2023 were without authority, as the applicant's case was not one involving corruption and the respondents had relied upon the State Review Committee for extension of period of suspension beyond one year instead of the Central Review Committee as prescribed under the AIS (D&A) Rules, 1969. Consequently, all orders extending suspension beyond 17.10.2023 were declared null and void for non-adherence to statutory procedure for extension of period of suspension; and the applicant was legally held to be under suspension only up to 17.10.2023.

However, while dealing with the question of the applicant's status after 17.10.2023, the Tribunal noticed the respondents' contention that the applicant had been absconding in the criminal case and had subsequently surrendered before the criminal court. The Tribunal, therefore, remanded the matter to the State Government to take an appropriate decision in accordance with the statutory provisions regarding extension or otherwise of suspension beyond 17.10.2023.

The applicant's case is that he had in fact remained on duty even on 18.10.2023 and that the respondents' allegation that he was absconding from that date is incorrect. He was seeking legal remedy available to him and his surrender on 05.12.2023 was pursuant to the direction of the Hon'ble Supreme Court.

Despite the aforesaid order of this Tribunal, the respondents issued an order dated 05.04.2025 extending the suspension, which, according to the applicant, was contrary to the declaration made by this Tribunal that all orders extending suspension beyond 17.10.2023 were null and void.



The applicant further submits that the respondents referred, in the order dated 05.04.2025, to charge memorandum No. 4103 dated 25.03.2025. The said memorandum was issued more than two and a half years after the applicant's initial suspension. According to the applicant, the charge memorandum was issued belatedly and with mala fide intention to harass and prejudice him.

The applicant also points out that, in the Civil List of IPS officers as on 01.01.2025, he was shown at Serial No. 102 in Level-12, whereas certain officers junior to him had been promoted to the rank of DIG in Level-13/13A. According to the applicant, his prolonged and illegal suspension and service of charge memo on one pretext or other for initiation of departmental proceedings has adversely affected his promotional prospects.

After the order dated 05.04.2025, the applicant filed CCPA No. 40 of 2025 before this Tribunal. According to him, shortly thereafter, the respondents served upon him Memorandum No. 1/M-2-60-58/2022, Home

Department, dated 25.03.2025, communicated on 08.04.2025, concerning the same allegations on the basis of which he had initially been suspended.

The applicant challenges the said charge memorandum as being based upon false, concocted and fabricated facts and as having been issued with the object of harassing, humiliating and prejudicing him; and depriving him of his legitimate promotional benefits. He has also relied upon the judgment of the Hon'ble Supreme Court in *Union of India v. J. Ahmed*, (1979) 2 SCC 286, and other judicial pronouncements concerning interference with a charge-sheet where mala fides are apparent.



The applicant has also relied upon the decision of the CAT, Principal Bench in OA No. 973 of 2023 concerning another senior IPS officer of Bihar cadre, namely Shri Amit Lodha, wherein the charge-sheet was quashed. He submits that his case stands on an even stronger footing.

The applicant has further relied upon the judgment of the Hon'ble Supreme Court in *State of Punjab v. V.K. Khanna*, wherein it has been held that where mala fide or bias in issuance of a charge-sheet is apparent, the Court may interfere at the threshold to prevent unnecessary harassment and humiliation of a public servant.

The applicant has also referred to Rule 9(7) of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005, contending that the charge memorandum is required to be served within the prescribed period in cases of suspension, subject to the permissible extension.

The applicant submitted a representation dated 05.05.2025 seeking dropping of the charge memorandum and revocation of suspension. As no relief was granted, he has approached this Tribunal challenging the charge memorandum.

3.1 Learned counsel for the applicant submits that the suspension order has now been revoked but not from 17.10.2023 as ordered by the Tribunal but with immediate effect thereby depriving him of the remainder of the salary of almost two years and this is wholly arbitrary and contrary to the statutory scheme governing members of the All India Services. The original allegations against the applicant are not allegations of corruption and, therefore, continuation of suspension beyond one year could have been made only on the recommendation of the Central Review Committee, as specifically contemplated under Rule 3 of the AIS (D&A) Rules, 1969.



In the present case, the respondents relied upon the State Review Committee, which this Tribunal has already found to be without authority.

But it is pertinent to mention that this is not part of the relief sought in the instant O.A. He is using this argument to establish mala fide.

3.2 Learned counsel for the applicant further submits that the respondents' plea that the applicant was absconding from 18.10.2023 is factually incorrect. The applicant asserts that he remained on duty until his surrender before the criminal court on 05.12.2023 and that such surrender was made in compliance with the order of the Hon'ble Supreme Court. Therefore, the respondents could not mechanically rely upon the allegation of absconding to justify the third article of charge that is being assailed here.

3.3 It is further submitted by Learned Counsel for the applicant that the departmental charge memorandum was issued only on 25.03.2025, after more than two and a half years from the applicant's initial suspension and after the Tribunal had already adjudicated upon the legality of continuation of suspension. Such unexplained and extraordinary delay, according to

learned counsel, demonstrates mala fide and an intention to harass the applicant.

3.4 Learned counsel for the applicant submits that the charge memorandum relates substantially to the same allegations which formed the basis of the applicant's suspension and has been issued with the ulterior object of keeping him under suspension and depriving him of promotion. The Civil List itself demonstrates that several officers junior to the applicant have been promoted to the rank of DIG, whereas the applicant continues to remain in Level-12 owing to the prolonged suspension.



3.5 Learned counsel for the applicant also places reliance upon *Union of India v. J. Ahmed* and *State of Punjab v. V.K. Khanna* to submit that disciplinary proceedings cannot be permitted to continue where the very initiation of proceedings is vitiated by mala fide, bias or an ulterior motive. Where the surrounding circumstances demonstrate that the disciplinary proceedings are intended merely to harass and humiliate the employee, the charge memorandum can be interfered with at the threshold.

3.6 Learned counsel for the applicant further contends that the respondents have not followed the statutory procedure prescribed under the AIS (D&A) Rules, 1969 and the applicable Bihar service rules while issuing and serving the charge memorandum after an inordinate delay. The belated issuance of the memorandum, coupled with the repeated and unlawful continuation of suspension, according to learned counsel, has caused serious prejudice to the applicant's service career and promotional prospects.

On the aforesaid grounds, Learned Counsel for the applicant submits that the impugned charge memorandum is liable to be quashed and the

applicant is entitled to all consequential service benefits, including consideration for promotion in accordance with law.

4. Per contra, Learned counsel for the respondents submits that the present proceedings arise out of Economic Offence Police Station Case No. 33/2022 dated 15.10.2022, registered on allegations regarding misuse of the name of the then Hon'ble Chief Justice, Patna High Court, by the user of mobile number [9709303397](tel:9709303397), who allegedly contacted the Director General of Police, Bihar and other senior officials through mobile and WhatsApp calls with a view to exerting pressure for favourable administrative decisions in the interest of a senior officer. The applicant, Shri Aditya Kumar, IPS, was named as an accused in the said criminal case along with others.



4.1 Learned counsel for the respondents submits that the Director General of Police, Bihar, vide letter dated 17.10.2022, informed the Home Department that a serious criminal case had been registered against the applicant and that, during the raid conducted at his residence, he was found absconding. Considering the nature and gravity of the allegations, the DGP recommended that the applicant be placed under suspension.

4.2 It is submitted by Learned Counsel for the respondents that, after due consideration of the allegations and the circumstances of the case, the State Government, in exercise of powers under Rule 3(3) of the All India Services (Discipline and Appeal) Rules, 1969, placed the applicant under suspension with immediate effect vide Resolution No. 10537 dated 18.10.2022. The office of the Inspector General of Police, Central Zone, Patna was fixed as the applicant's headquarters.

4.3 Learned counsel for the respondents further submits that the Home Department thereafter initiated the process for examining whether the conduct of the applicant warranted departmental action under the AIS (Conduct) Rules, 1968. Pursuant thereto, the Inspector General of Police (Headquarters), Bihar, vide letter dated 20.02.2025, forwarded a detailed disciplinary proposal containing the Articles of Charge, statement of imputations of misconduct, list of documents and list of witnesses.



4.4 Learned counsel for the respondents submits that, upon examination of the material available on record, the disciplinary authority found that the conduct of the applicant prima facie reflected violation of Rules 3(1), 9 and 18 of the AIS (Conduct) Rules, 1968. Accordingly, departmental proceedings were initiated against him under Rule 8 of the AIS (D&A) Rules, 1969, vide Memorandum No. 4103 dated 25.03.2025.

4.5 It is submitted by Learned Counsel for the respondents that the Articles of Charge, statement of imputations, list of documents and list of witnesses were duly served upon the applicant, granting him an opportunity under Rule 8(5) of the AIS (D&A) Rules, 1969 to submit his written statement of defence within 30 days.

4.6 Learned counsel for the respondents further submits that, despite expiry of the prescribed period, the applicant failed to submit his statement of defence. He was, therefore, granted an additional opportunity vide letter dated 21.05.2025 and was called upon to submit his defence within a further period of seven days, failing which the respondents would proceed further in accordance with the applicable rules.

4.7 Learned counsel for the respondents submits that even after being granted the statutory period of 30 days as well as an additional seven days, the applicant did not submit any statement of defence or representation. Such conduct, according to the respondents, demonstrates his unwillingness to participate in the disciplinary proceedings and cannot be attributed to any procedural lapse on the part of the respondents. It is further submitted that the applicant has been afforded adequate and reasonable opportunity to defend himself in accordance with Rule 8(5) of the AIS (D&A) Rules, 1969. The departmental proceedings are still at the preliminary stage and no final finding of guilt has been recorded against the applicant. It is also evident that there is no violation of the principle of natural justice and the applicant has not been prejudiced.



5. Learned Counsel for the applicant, in his rejoinder to the written statement, submits that the impugned charge memorandum dated 25.03.2025 has been issued after an unexplained and inordinate delay of more than two years from the applicant's suspension and, significantly, after the order passed by this Tribunal in OA No. 907 of 2024, whereby the continuation of the applicant's suspension beyond 17.10.2023 was declared without authority and the consequential orders were declared null and void.

He has further averred that the impugned charge memorandum is clearly an afterthought and appears to have been issued in retaliation to the applicant's assertion of his legal rights. Immediately after the respondents issued the order dated 05.04.2025 extending the suspension, despite the aforesaid order of this Tribunal. The applicant was constrained to institute CCPA No. 40 of 2025 on 07.04.2025. Notices in the contempt proceedings

were issued on 11.04.2025, and thereafter the respondents proceeded to serve upon the applicant Memorandum No. 1/M-2-60-58/2022, Home Department, bearing No. 4103.

The timing and circumstances surrounding issuance of the impugned charge memorandum clearly demonstrate that the departmental proceeding has been initiated with an ulterior motive to harass, humiliate and prejudice the applicant and to adversely affect his service career and promotional prospects. The allegations contained therein are based upon facts which, according to the applicant, are false, concocted and unsupported by proper material and have been raised only as an instrument to continue the adverse consequences of the suspension.



He has further stated that the respondents cannot use disciplinary proceedings as a means of continuing the punitive consequences of an otherwise unlawful and prolonged suspension.

The applicant further relies upon the decision of the CAT, Principal Bench in *OA No. 973 of 2023* concerning Shri Amit Lodha, IPS, wherein the departmental charge-sheet was interfered with, in the facts and circumstances of that case. It is submitted that the circumstances of the present case, particularly the unexplained delay in initiation of the departmental proceeding and the timing of issuance of the charge memorandum immediately after the applicant approached this Tribunal, make the applicant's case fit for similar consideration.

Further, in the present case, the departmental charges substantially arise out of the same set of allegations which are already the subject matter of the criminal proceeding. The criminal case itself is based upon its own allegations, documents and witnesses. The respondents have failed to

satisfactorily explain why the departmental proceeding was not initiated for more than two years after the applicant's suspension and why the charge memorandum was issued only after the applicant succeeded before this Tribunal and thereafter initiated contempt proceedings.

It is further submitted that, despite pendency of the present Original Application, the respondents have proceeded to appoint a Conducting Officer/Inquiry Officer and have continued with the departmental inquiry.

The Conducting Officer issued a communication dated 27.08.2025 pursuant to the earlier communication dated 05.08.2025, to which the applicant duly submitted his reply. Despite pendency of the present proceedings, the applicant is being pressed to participate in the inquiry.



The aforesaid conduct of the respondents further demonstrates their haste and their determination to proceed with the departmental inquiry without properly considering the issues raised before this Hon'ble Tribunal. The applicant submits that his participation in the inquiry shall not amount to waiver of any of his objections regarding the legality, validity, delay and mala fide initiation of the departmental proceedings.

6. We have carefully considered the rival submissions advanced by learned counsel for the parties and have perused the pleadings, documents and the material placed on record. We have considered the matter in its entirety.

6.1 The controversy, essentially, revolves around the legality of the initiation of the departmental proceeding on the basis of the charge memorandum dated 25.03.2025 against the applicant, who was under suspension since 18.10.2022. The challenge to the charge memo and

prolongation of departmental proceedings leading to denial of promotion to the applicant/ charged official has to be examined through the following inter-connected issues in this instant O.A.

(i) The issue of alleged mala fide that is being sought to be established on the basis of timing of different acts of respondents.

(ii) The contention of overlap of the charge memo with the criminal case vide EOU, FIR No. 33/2022 that is the subject matter of adjudication by the criminal court and not the departmental proceedings.

(iii) Prolonged departmental proceedings leading to denial of promotion to the applicant.



6.2 The scope of examination at the stage of charge memorandum is well settled. Ordinarily, the Tribunal does not examine the charge memorandum in the initial stage itself with regard to the correctness of the allegations, sufficiency of evidence or the evidentiary value of the material relied upon by the disciplinary authority. This task has to be performed by the Inquiry officer. Interference at the threshold is justified only in exceptional circumstances, such as where the charge memorandum is issued by an authority lacking jurisdiction, is barred by law, or the initiation of proceedings is demonstrably vitiated by mala fide, bias or an extraneous purpose. There is no assertion by the applicant that the charge memo has been issued by any incompetent authority who lacked jurisdiction to do so.

6.3 The applicant's principal ground is mala fide. The chronology relied upon by him—particularly the order dated 20.03.2025, the issuance of the charge memorandum on 25.03.2025, and the subsequent proceedings—

provides the basis for his apprehension. However, chronology or proximity in time, by itself, does not establish mala fide.

In the present case, the respondents have placed material showing that consideration of disciplinary action had commenced in December, 2022, considerably before the applicant obtained the order dated 20.03.2025 in O.A. No. 907/2024 wherein he challenged the continuation of his suspension. Therefore, the departmental proceeding cannot be said to be an afterthought merely because the formal charge memorandum was issued in March, 2025. It is pointed out that the Home Department had, as early as on 07.12.2022, called for a proposal from the Police Headquarters for initiation of disciplinary proceedings against the applicant for violation of the AIS (Conduct) Rules, 1968. Pursuant thereto, the Police Headquarters forwarded a detailed disciplinary proposal containing the Articles of Charge, statement of imputations, list of documents and witnesses vide letter dated 20.02.2025. Upon examination thereof, the competent authority decided to initiate disciplinary proceedings and accordingly issued the impugned memorandum dated 25.03.2025.

The delay in completing the process may legitimately call for explanation; nevertheless, on the material presently available, it cannot by itself establish that the charge memorandum was conceived as a retaliatory measure after the applicant approached this Tribunal.

The reliance placed upon *State of Punjab v. V.K. Khanna* does not alter the position. That decision recognises the power of judicial review where mala fide or an extraneous purpose is established. In the present case, however, the material does not establish, at this stage, that the disciplinary



proceeding is a device to harass or punish the applicant for exercising his legal remedies.

6.4 The reliance upon *Union of India v. J. Ahmed* is also of no assistance for quashing the memorandum at this stage. The charges that have been levelled against the applicant is not vague or unspecified lapse. The impugned memorandum contains specific Articles of Charge, statement of imputations and proposed documentary and oral evidence. Whether those allegations constitute misconduct and whether they are ultimately established are matters for determination in the disciplinary proceeding.



6.5 The applicant has further relied upon the decision of the CAT, Principal Bench in OA No. 973 of 2023 concerning another IPS officer Sri Amit Lodha. We have considered the said submission. However, a decision rendered in a different factual setting cannot automatically govern the present case. In fact, the said charge memo in that case of Sri Amit Lodha related to his negligence in official work and dereliction of duty in his official capacity. Another charge memo with regard to another departmental proceeding against the applicant on similar ground as that of Sri Amit Lodha has already been decided by this Tribunal in favour of this very applicant. However, the charge memo in question against the applicant in the instant O.A. relates to the alleged conduct of charged official in his personal capacity leading to registration of a criminal case against him. This criminal case has nothing to do with any official discharge of duty of the charged official. Therefore, this charge memo stands on a different footing altogether. The correctness or otherwise of the charges will have to be examined by the Inquiry officer.



6.6 The fact that some of the allegations have a factual connection with the criminal case also does not, by itself, render the departmental proceeding impermissible. A criminal prosecution and a departmental proceeding operate in different fields and are governed by different standards of scrutiny that is proof beyond all reasonable doubt vs. preponderance of probability. The mere pendency of the criminal case, therefore, cannot furnish an automatic ground for quashing the charge memorandum.



We also find that Article III of the charge memorandum concerns alleged unauthorised absence from the headquarters fixed during the period of suspension and is supported by documents relied upon by the disciplinary authority especially the document listed at number 5. Whether the applicant was in fact absent, whether such absence was authorised and what explanation he has in respect thereof are factual matters which cannot appropriately be adjudicated upon in the present proceedings at the stage of challenge to the charge memorandum. This also needs to be inquired into the departmental proceedings rather than in the course of trial of the concerned criminal case, thus establishing this article as distinct from the adjudication of the criminal case.

6.7 The applicant has admittedly not submitted his statement of defence despite being granted the prescribed period and a further opportunity. The applicant is entitled to maintain his legal challenge to the charge memorandum; however, in the absence of an order staying the disciplinary proceeding, he cannot at the same time decline to participate in the inquiry. His factual and evidentiary objections are required to be placed before the Inquiry Officer in accordance with the applicable rules.

6.8 We are, however, conscious of the fact that the applicant has remained under suspension for a prolonged period and that considerable time has elapsed since the events giving rise to the proceedings. The respondents ought to have proceeded with greater expedition. The disciplinary proceeding should, therefore, not be allowed to remain pending indefinitely.



For the aforesaid reasons, we are not persuaded that the impugned charge memorandum dated 25.03.2025 suffers from such jurisdictional defect or demonstrable mala fide as would warrant its quashing at the threshold. We accordingly decline to interfere with the initiation of the disciplinary proceeding. Nothing stated herein shall be understood as an expression of opinion on the merits of any Article of Charge.

7. The Original Application is accordingly disposed of with the following directions:

- (i) The challenge to initiation of departmental proceeding consequent upon the Charge Memorandum No. 4103 dated 25.03.2025 is rejected. Accordingly, the consequential relief of consideration of promotion ignoring this charge memo cannot be adjudicated at this stage.
- (ii) The respondents shall proceed with the departmental inquiry and endeavour to conclude the same preferably within six months from the date of receipt of a copy of this order.
- (iii) The respondents shall ensure that the applicant is afforded a fair and reasonable opportunity of defence as is available to him under the applicable rules. The applicant shall participate in the inquiry in accordance

with the rules. In case of non-cooperation of the applicant, the respondents shall be at liberty to proceed *ex-parte* in accordance with law/rules/procedure. The non-cooperation of the applicant (charged officer) should not be used as an excuse to prolong the departmental proceedings and the respondents must adhere to the stipulated time-line of six months for conclusion of the proceedings.

(iv) The observations made in this order are confined to the legality of the initiation of the disciplinary proceeding. They are not the findings on the truth or otherwise of the Articles of Charge or the evidence advanced in support thereof.

(v) All questions concerning the merits of the charges and the evidence led in support thereof are left open for determination by the Disciplinary Authority in accordance with law.

There shall be no order as to costs.

Sd/-

(Kumar Rajesh Chandra)
Member (A)

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Sd/-

(Justice Narendra Kumar Johari)
Judicial Member

