IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE MANINDER S. BHATTI

ON THE 21st OF JUNE, 2023

WRIT PETITION No. 5597 of 2021

BETWEEN:-

DR. R.P. PATEL (CHILD SPECIALIST) S/O SHRI HIRA LAL PATEL, AGED ABOUT 65 YEARS, OCCUPATION: RETD. REGIONAL DIRECTOR HEALTH SERVICES REWA DIVISION REWA MP VIVEKANAND NAGAR REWA MP (MADHYA PRADESH)

.....PETITIONER

(BY SHRI SANDEEP SINGH BAGHEL - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THR. ITS RINCIPAL SECRETARY ADDITIONAL CHIEF SECRETARY PUBLIC HEALTH AND FAMILY WELFARE DEPT. MANTRALAYA VALLABH BHAWAN BHOPAL MP (MADHYA PRADESH)**

2. **COMMISSIONER DIRECTORATE OF HEALTH SERVICES SATPUDA BHAWAN (MADHYA PRADESH)**

3. **MISSION DIRECTOR NATIONAL HEALTH MISSION BHOPAL (MADHYA PRADESH)**

4. **ADDITIONA DIRECTOR (COMPLAINT) DIRECTORATE OF HEALTH SERVICES SATPUDA BHAWAN (MADHYA PRADESH)**

5. **ADDITIONAL DIRECTOR NATIONAL HEALTH MISSION IN FRONT OF PATRAKAR COLONY BHOPAL (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI VIKRAM SINGH CHOUDHARY - PANEL LAWYER)

This petition coming on for admission this day, the court passed the

following:

ORDER

This petition has been filed by the petitioner seeking quashment of the charge-sheet dated 26.2.2021, which is contained in (Annexure P-2).

2. Learned counsel for the petitioner contends that one Smt. Rukmini Vishwakarma, A.N.M. (contract) was subjected to an order of termination dated 26.7.2014. The order of termination was assailed by Smt. Rukmini Vishwakarma by filing a petition before this Court vide W.P. No. 10663 of 2015. This Court vide order dated 18.9.2015 contained in (Annexure P-4) quashed the order of termination dated 26.7.2014 and directed the respondents therein to consider the application of the petitioner therein for extension of the contractual appointment.

3. The petitioner herein, who was impleaded as respondent No. 3 in the petition, in the capacity of Chief Medical and Health Officer, Singrauli, in terms of the order of this Court dated 18.9.2015, issued an order dated 7.2.2020 recommending extension of contract period of Smt. Rukmani Vishwakarma. After passing of order dated 7.2.2020 contained in (Annexure P-3), the petitioner herein was confronted with the impugned charge sheet in which the allegations were levelled against him that before passing the order 7.2.2020, the petitioner was required to obtain prior concurrence of the National Health Mission (NHM).

4. It is contended by counsel that in the present case, the charge sheet is a nullity, inasmuch as, the petitioner only complied with the order dated 18.9.2015 passed by this Court. This Court, while quashing the order of termination of Smt. Rukmani Vishwakarma specifically issued direction for consideration of extension of her contractual appointment and accordingly

while acting in terms of the order passed by this Court, the petitioner issued the order dated 7.2.2020 recommending the extension of services of Smt. Rukmini Vishwakarma and issued direction for execution of agreement. It is further contended by the counsel that earlier as well, Smt. Rukmani Vishwakarma was appointed by the order dated 4.11.2006 contained in (Annexure P-7) passed by the Chief Medical and Health Officer and even the said order reflects that no concurrence earlier was obtained from the NHM. Therefore, the petitioner is being victimized on account of the fact that the petitioner complied with the order passed by this Court while issuing the order dated 7.2.2020 contained in (Annexure P-3). Thus, it is submitted that even if the charge sheet is taken into consideration in its entirety, the same does not reflect any misconduct on the part of the petitioner during course of employment. Therefore, the impugned charge sheet be quashed.

5. *Per contra*, learned counsel for the respondent submits that the petitioner herein after passing of the order dated 18.9.2015 passed in W.P. No.10663 of 2015 was required to obtain prior concurrence of NHM, yet the petitioner ventured upon to extend the benefit of employment to Smt. Rukmini Vishwakarma and when the said fact was taken note of, it was found that the petitioner was not competent to pass such an order and accordingly, the charge sheet has been issued. It is contended that the scope of interference with the charge sheet is limited and as the petitioner has to deal with the charges levelled against him, the issue can only be adjudicated after evidence is adduced by the parties during the conduct of disciplinary proceedings.

6. No other point is pressed by the parties.

7. Heard the submissions advanced on behalf of learned counsel for the parties and perused the record.

8. In the present case undisputedly, Smt. Rukmani Vishwakarma was appointed vide order dated 4.11.2006 contained in (Annexure P-7) against the post of A.N.M.. The order reflects that in terms of the guidelines issued by the Director, Health Services, M.P. on 1.3.2006, a District Health Committee constituted an interview committee, which recommended appointment of Smt. Rukmini Vishwakarma as A.N.M. and in terms of the said recommendation, the appointment order dated 4.11.2006 was issued by which Smt. Rukmini Vishwakarma was appointed on contractual basis as A.N.M.. Later on, her services were terminated vide order dated 26.7.2014. The order dated 26.7.2014 of termination was assailed by Smt. Rukmini Vishwamarma by filing W.P. No. 10663 of 2015. This Court vide order dated 18.9.2015 contained in (Annexure P-4) disposed of the said writ petition. The operating paras of the said writ petition is reproduced herein:-

> *"Considering the aforesaid facts and circumstances of the case, order dated 26.7.2014 is quashed. Respondents may consider the case of petitioner for giving her employment on contract and extend the period of contract if it is expired.*
>
> *With the aforesaid, this writ petition is disposed of.*
>
> *Learned counsel for the respondents/State submits that contract period is over on 31.03.2015. The services of the petitioner has been terminated before 31.03.2015 i.e. during subsistence of the contract between petitioner and respondent.*
>
> *Respondent will consider the application of the petitioner for extension of the contract period."*

9. A perusal of the aforesaid order, reflects that this Court quashed the order of termination dated 26.7.2014 and directed the respondents to consider

the application of the petitioner for extension of the contractual period. After passing of the order by this Court, the petitioner herein, who was posted as Chief Medical and Health Officer at the relevant time, accorded permission to execute the agreement for the purpose of contractual appointment of Smt. Rukmini Vishwakarma. In the order dated 7.2.2020 contained Annexure P-3, the petitioner has clearly mentioned the factum of passing order of this Court in W.P. No. 10663 of 2015.

10. The petitioner after passing of the order by this Court in W.P. No. 10663 of 2015, has passed the order dated 7.2.2020 contained in (Annexure P-3), which is reproduced below:-

// आदेश//

माननीय उच्च न्यायालय जबलपुर म0प्र0 में याचिका डब्ल्यु पी/10663/2015 में श्रीमति रूकमणी विश्वकर्मा पिता हरिहर प्रसाद विश्वकर्मा संविदा ए एन एम द्वारा सेवा समाप्ति के संबंध में याचिका दायर किया गया था जिसमें दिनांक 18.09.2019 को माननीय उच्च न्यायालय जबलपुर से निर्णय पारित हुआ है कि आवेदन में विचार करते हुये याचिकाकर्ता के अनुबंध में वृद्धि किया जाये।

अतः उपरोक्त माननीय उच्च न्यायालय जबलपुर के निर्णयोपरांत श्रीमति रूकमणी विश्वकर्मा की सेवा अवधि में वृद्धि उपरांत उप स्वास्थ्य केन्द्र सरहा विकासखण्ड देवसर जिला सिंगरौली हेतु अनुबंध करने की अनुमति प्रदान की जाती है। सेवा शर्ते पूर्ववत् यथावत् रहेगी।

11. A perusal of the aforesaid order dated 7.2.2020 passed by the petitioner reflects that the petitioner, in terms of the order passed by this Court on 18.9.2015, accorded the permission for extension of agreement with Smt. Rukmini Vishwakarma. If the aforesaid order is subjected to cogitative scrutiny, the same reflects that the petitioner upon receipt of the order passed by this Court in W.P. No. 10663 of 2015, passed the order dated 7.2.2020. Before this

Court, the NHM was not a party in W.P. No. 10663 of 2015 and in the entire order, neither there was any direction by this Court to seek prior approval of the NHM nor the same was the stand of the State before this Court.

12. After passing of the order dated 7.2.2020 by the petitioner, the respondents issued a charge-sheet against the petitioner. The sole charge against the petitioner is reproduced herein:-

// आरोप पत्र//

आरोप कमांक 1:–

यह कि आप डॉ0 आर पी पटेल तत्कालीन मुख्य चिकित्सा एवं स्वास्थ्य अधिकारी जिला सिंगरौली वर्तमान में प्रभारी कार्यालय क्षेत्रीय संचालक स्वास्थय सेवाये रीवा के पद पर है।

यह कि आपके द्वारा प्रसूता श्रीमति रजवंती देवी पति शिवबहोर कोल का प्रसव दिनांक 5.6.2014 को होने के पश्चात् उसी दिन प्रसूता को डिस्चार्ज करने के आरोप में संविदा ए एन एम श्रीमति रूकमणी विश्वकर्मा उप स्वास्थ्य केन्द्र सरहा विकास खंड देवसर जिला सिंगरौली की दिनांक 26.7.2014 से सेवा समाप्त कर दी गई थी श्रीमति विश्वकर्मा द्वारा उक्त आदेश के विरूद्ध माननीय उच्च न्यायालय में याचिका कमांक 10663/2015 दायर की गई जिसमें पारित आदेश दिनांक 18.9.2015 के परिप्रेक्ष्य में श्रीमति रूकमणी विश्वकर्मा को आदेश दिनांक 7.2.2020 द्वारा पुनः संविदा नियुक्ति दे दी गई।

यह कि, आपके द्वारा माननीय न्यायालय द्वारा पारित आदेश के संबंध में राज्य कार्यालय राष्ट्रीय स्वास्थ्य मिशन को संज्ञान में लाये बिना एवं सक्षम स्वीकृति/अनुमोदन प्राप्त किये बिना अपने स्वतर से ही श्रीमति रूकमणी विश्वकर्मा को पुनः संविदा नियुक्ति प्रदान कर दी। इस प्रकार आपके द्वारा नियुक्ति एवं संविदा का अधिकार न होने के बावजूद आपको प्रदत्त अधिकारो के बाहर जाकर स्वेच्छाचारिता करते हुए नियुक्ति प्रदान की गई है।

आपके द्वारा उक्त कृत्य करके अपने पदीय कर्तव्यों का उल्लंघन एवं शासकीय नियमों की अवहेलना कर स्वयं को मध्यप्रदेश सिविल सेवा आचरण नियम 1965 के नियम 3 के उपनियम 1 2 3 के अंतर्गत अनुशासनात्मक कार्यवाही का भागी बना लिया है।

13. A perusal of the aforesaid charge reflects that the petitioner extended the benefit of contractual appointment to Smt. Rukmini Vishwakarma in the light of the order dated 18.9.2015 passed by this Court in W.P. No. 10663 of 2015. In the charge-sheet, it is mentioned that the petitioner passed the order dated 7.2.2020 without bringing the said aspect in the notice of NHM and without obtaining the sanction from NHM extended the benefit of contractual appointment to Smt. Rukmini Vishwakarma, therefore, the petitioner, in absence of any right, issued appointment order dated 7.2.2020. In the entire charge-sheet, there is no allegation to the effect that on some extraneous considerations, the petitioner issued order dated 7.2.2020. The only charge which reflects from the aforesaid charge-sheet is to the effect that the petitioner did not bring the said aspect in the notice of NHM nor obtained any sanction from NHM. Therefore, even assuming the said allegation to be correct, the same does not reflect any misconduct, inasmuch as, the order dated 18.9.2015 passed by this Court in W.P. No. 10663 of 2015 was complied with by the petitioner by passing order dated 7.2.2020. The petitioner, even for the sake of assumption, was guilty of misinterpreting the order dated 18.9.2019, the act of the petitioner, by no stretch of imagination, could have been construed as misconduct. The petitioner, being instrumentality of the State, when was served with the order passed by this Court in W.P. No. 10663 of 2015, considered the case of Smt. Rukmini Vishwakarma and extended the period of contract. Therefore, in absence of allegation of any extraneous consideration or to extend

undue favour to the employee concerned, the entire charge-sheet, even if it is accepted on its face value, does not reflect any misconduct.

14. The stage when the charge-sheet is issued to the delinquent, at that stage it is usually difficult to ascertain as to whether the charges levelled against the employee concerned have some substance or not. It is also well settled by catena of judgments that even a small amount of evidence is enough to proceed against the employee and, therefore, the adequacy of evidence cannot be judged by a Court while considering the validity of the disciplinary proceedings. The interference with the charge sheet is ordinarily not permitted.

15. In **Secretary, Ministry of Defence v. Prabhash Chandra Mirdha - (2012) 11 SCC 565**, it has been observed by the Apex Court as under"-

> *"**10**. Ordinarily a writ application does not lie against a charge-sheet or show-cause notice for the reason that it does not give rise to any cause of action. It does not amount to an adverse order which affects the right of any party unless the same has been issued by a person having no jurisdiction/competence to do so. A writ lies when some right of a party is infringed. In fact, charge-sheet does not infringe the right of a party. It is only when a final order imposing the punishment or otherwise adversely affecting a party is passed, it may have a grievance and cause of action. Thus, a charge-sheet or show-cause notice in disciplinary proceedings should not ordinarily be quashed by the court. (Vide State of U.P. v. Brahm Datt Sharma [(1987) 2 SCC 179 : (1987) 3 ATC 319 : AIR 1987 SC 943] , Bihar State Housing Board v. Ramesh Kumar Singh [(1996) 1 SCC 327] , Ulagappa v. Commr. [(2001) 10 SCC 639 : AIR 2000 SC 3603 (2)] , Special Director v. Mohd. Ghulam Ghouse [(2004) 3 SCC 440 : 2004 SCC (Cri) 826 : AIR 2004 SC 1467] and Union of India v. Kunisetty Satyanarayana [(2006) 12*

SCC 28 : (2007) 2 SCC (L&S) 304] .)

***11**. In State of Orissa v. Sangram Keshari Misra [(2010) 13 SCC 311 : (2011) 1 SCC (L&S) 380] (SCC pp. 315-16, para 10) this Court held that normally a charge-sheet is not quashed prior to the conducting of the enquiry on the ground that the facts stated in the charge are erroneous for the reason that to determine correctness or truth of the charge is the function of the disciplinary authority. (See also Union of India v. Upendra Singh [(1994) 3 SCC 357 : 1994 SCC (L&S) 768 : (1994) 27 ATC 200] .)*

***12.** Thus, the law on the issue can be summarised to the effect that the charge-sheet cannot generally be a subject-matter of challenge as it does not adversely affect the rights of the delinquent unless it is established that the same has been issued by an authority not competent to initiate the disciplinary proceedings. Neither the disciplinary proceedings nor the charge-sheet be quashed at an initial stage as it would be a premature stage to deal with the issues. Proceedings are not liable to be quashed on the grounds that proceedings had been initiated at a belated stage or could not be concluded in a reasonable period unless the delay creates prejudice to the delinquent employee. Gravity of alleged misconduct is a relevant factor to be taken into consideration while quashing the proceedings."*

16. The aforesaid enunciation of law by the Apex Court reflects that ordinarily and normally interference with the charge-sheet is not permitted. Meaning thereby the scope of interference with the charge-sheet stands in a very narrow compass. Therefore, time and again, the Courts of law have expressed reluctance in interfering with the charge-sheet. However, if in a given case, ultimately the Court upon penetrating scrutiny of the charge-sheet is of the view

that from any angle, there is no whisper of misconduct, in such a situation whether a Court can lay its hands off? Here, it would be apposite to refer to the decision of the Apex Court in **State of Rajasthan v. Heem Singh - 2020 SCC OnLine SC 886** wherein it has been observed in Para-37 as under:-

"37. In exercising judicial review in disciplinary matters, there are two ends of the spectrum. The first embodies a rule of restraint. The second defines when interference is permissible. The rule of restraint constricts the ambit of judicial review. This is for a valid reason. The determination of whether a misconduct has been committed lies primarily within the domain of the disciplinary authority. The Judge does not assume the mantle of the disciplinary authority. Nor does the Judge wear the hat of an employer. Deference to a finding of fact by the disciplinary authority is a recognition of the idea that it is the employer who is responsible for the efficient conduct of their service. Disciplinary enquiries have to abide by the rules of natural justice. But they are not governed by strict rules of evidence which apply to judicial proceedings. The standard of proof is hence not the strict standard which governs a criminal trial, of proof beyond reasonable doubt, but a civil standard governed by a preponderance of probabilities. Within the rule of preponderance, there are varying approaches based on context and subject. The first end of the spectrum is founded on deference and autonomy - deference to the position of the disciplinary authority as a fact-finding authority and autonomy of the employer in maintaining discipline and efficiency of the service. At the other end of the spectrum is the principle that the court has the jurisdiction to interfere when the findings in the enquiry are based on no evidence or when they suffer from perversity. A failure to consider vital evidence is an incident of what the law regards as

a perverse determination of fact. Proportionality is an entrenched feature of our jurisprudence. Service jurisprudence has recognised it for long years in allowing for the authority of the court to interfere when the finding or the penalty are disproportionate to the weight of the evidence or misconduct. Judicial craft lies in maintaining a steady sail between the banks of these two shores which have been termed as the two ends of the spectrum. Judges do not rest with a mere recitation of the hands-off mantra when they exercise judicial review. To determine whether the finding in a disciplinary enquiry is based on some evidence an initial or threshold level of scrutiny is undertaken. That is to satisfy the conscience of the court that there is some evidence to support the charge of misconduct and to guard against perversity. But this does not allow the court to reappreciate evidentiary findings in a disciplinary enquiry or to substitute a view which appears to the Judge to be more appropriate. To do so would offend the first principle which has been outlined above. the ultimate guide is the exercise of robust common sense without which the Judges' craft is in vain."

17. Therefore, as to whether the decision, which has been taken by the respondents to initiate a departmental enquiry by issuing the impugned charge-sheet, can be a decision which can be taken by a reasonable or prudent man and if ultimately, it is concluded that such a decision could not have been taken by a reasonable or prudent person, then in such an eventuality, the scope of interference gets broader. The Apex Court in **High Court of Bombay v. Shashikant S. Patil - (2000) 1 SCC 416** while discussing the scope of interference with the disciplinary proceedings held that if the decision of the authority is such a decision that no reasonable person could have arrived at

such a conclusion, in such an eventuality, the interference is permissible. Though the judgment dealt with the disciplinary proceedings but if the said principle is applied to the case at hand, the same would reveal that no reasonable or prudent person could have arrived at a decision to issue charge-sheet on the allegation of alleged misconduct. The Apex Court in Para 16 has observed as under:-

> *"16. The Division Bench [Shashikant S. Patil v. High Court of Bombay, 1998 SCC OnLine Bom 97 : (2000) 1 LLN 160] of the High Court seems to have approached the case as though it was an appeal against the order of the administrative/disciplinary authority of the High Court. Interference with the decision of departmental authorities can be permitted, while exercising jurisdiction under Article 226 of the Constitution if such authority had held proceedings in violation of the principles of natural justice or in violation of statutory regulations prescribing the mode of such enquiry or if the decision of the authority is vitiated by considerations extraneous to the evidence and merits of the case, or if the conclusion made by the authority, on the very face of it, is wholly arbitrary or capricious that no reasonable person could have arrived at such a conclusion, or grounds very similar to the above. But we cannot overlook that the departmental authority (in this case the Disciplinary Committee of the High Court) is the sole judge of the facts, if the enquiry has been properly conducted. The settled legal position is that if there is some legal evidence on which the findings can be based, then adequacy or even reliability of that evidence is not a matter for canvassing before the High Court in a writ petition filed under Article 226 of the Constitution."*

18. Therefore, it is clear that in the cases of disciplinary proceedings, the

Court's interference is not warranted, even if there is some evidence. The adequacy of the evidence cannot be gone into in exercise of power of judicial review. The aforesaid decision though dealt with disciplinary enquiry and the said stage in the present case has not come as yet, inasmuch as, only charge-sheet has been issued to the present petitioner. Be that as it may, whether the charge-sheet issued to the petitioner, if perused in its entirety, reveals any misconduct or not? is a crucial issue in the case at hand. The charge-sheet as discussed hereinabove does not reflect any misconduct against the petitioner, therefore, while considering the observation by the Apex Court in the case of **Heem Singh** (supra) that Judges do not rest with a mere recitation of the hands-off mantra when they exercise judicial review, this Court does not deem it proper to leave the petitioner remedyless.

19. While keeping in view the aforesaid, in this case, it would neither be conducive nor warranted if the interference with the charge-sheet is declined when same does not reflect any misconduct. On the contrary, the charge-sheet itself says that the petitioner in pursuance of the order dated 18.9.2015 passed by this Court in W.P. No. 10663 of 2015 issued order dated 7.2.2020. Even if the order dated 7.2.2020 suffered from any procedural irregularity, the same could not have been brought within the ambit of misconduct. The term 'misconduct' has been subjected to scrutiny before the Court of law on number of occasions. In the case of **Union of India v. J. Ahmed - 1979 (2) SCC 286**, the Apex Court has held as under:-

> *"**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 698])]. 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."

.... A single act of omission or error of judgment would ordinarily not constitute misconduct though if such error or omission results in serious or atrocious consequences the same may amount to misconduct as was held by this Court in P.H. Kalyani v. Air France, Calcutta [AIR 1963 SC 1756 : (1964) 2 SCR 104 : (1963) 1 LLJ 679 : 24 FJR 464] wherein it was found that the two mistakes committed by the employee while checking the load-sheets and balance charts would involve possible accident to the aircraft and possible loss of human life and, therefore, the negligence in work in the context of serious consequences was treated as misconduct. It is, however, difficult to believe that lack of efficiency or attainment of highest standards in discharge of duty attached to public office would ipso facto constitute misconduct. There may be

negligence in performance of duty and a lapse in performance of duty or error of judgment in evaluating the developing situation may be negligence in discharge of duty but would not constitute misconduct unless the consequences directly attributable to negligence would be such as to be irreparable or the resultant damage would be so heavy that the degree of culpability would be very high..........duty.

20. In the case of **State of Punjab and others v. Ex-Constable Ram Singh, Ex-Constable, (1992) 4 SCC 54,** the Apex Court has observed as under**:-**

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 behaviour; unlawful behaviour, 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."*

21. In view of the aforesaid, this Court does not find any misconduct on the part of the petitioner, inasmuch as the charge-sheet has been issued on the

sole ground that the petitioner issued the order dated 7.2.2020 contained in Annexure P-3 directing extension of contractual appointment of Smt. Rukmini Vishwakarma. Ergo, charge-sheet, even if is taken into consideration in its entirety, does not reflect any misconduct on the part of the petitioner. Therefore, the entire disciplinary proceedings would be an exercise in futility. Hence, in the considered view of this Court, the charge sheet issued against the petitioner deserves to be quashed.

22. Accordingly, this **petition is allowed**. The impugned charge-sheet dated 26.2.2021 contained in (Annexure P-2) is hereby quashed. No costs.

(MANINDER S. BHATTI)
JUDGE

PB