

GAHC040001432025



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C)/43/2025

Ennyo Nangkar

Son of Atang Nangkar, a resident of C Sector, Itanagar, PO and PS Itanagar, Papum Pare District, Arunachal Pradesh 791111 and a permanent resident of Gosang Village, PO and PS Jengging, Upper Siang District, Arunachal Pradesh

VERSUS

The State of AP and 2 Ors
represented through the Chief Secretary, Govt of Arunachal Pradesh.

2:The Secretary Land Management

Age: 0

Occupation :

Govt of Arunachal Pradesh

Civil Secretariat

Itanagar.

3:The Inquiry Officer

Age: 0

Occupation :

represented through Shri C N Longphai

IAS

Secretary Home

Govt of Arunachal Pradesh

Civil Secretariat

Itanagar

Advocate for the Petitioner : Muk Pertin, Senior Advocate, Mudang Yubbey,Dakjum Riba,Mukbang Pertin,Takom Pabin,Mukbom Pertin,Karyom Dabi

Advocate for the Respondent : GA (AP),

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 29.01.2025

Heard Mr. M. Pertin, learned Senior Advocate assisted by Mr. N. Pabin, learned counsel for the petitioner, submits that 3(three) separate disciplinary proceedings were initiated against the petitioner. The first one was initiated vide memorandum of charges dated 17.11.2022; the second proceeding was initiated vide memorandum of charges dated 07.02.2023; and the third disciplinary proceedings was initiated vide memorandum of charges dated 07.02.2023. Thereafter, another order dated 01.05.2023 was passed in common disciplinary enquiry against the petitioner. It is submitted that in the meantime, the petitioner has superannuated on 31.05.2024.

2. Referring to the provisions of Rule 14(24) of the C.C.S (C.C.A) Rules, 1965, it is submitted that the said Rule provides, inter alia, that proceedings should be completed within 6(six) months that the proceedings can be extended for a further period of 6(six) months for reasons recorded. Accordingly, it is submitted that as all 3(three) proceedings have been initiated more than 1(one) year back and therefore, further proceedings will be illegal. It is submitted that the petitioner has received a fresh notice to participate in the disciplinary proceedings vide notice dated 03.01.2025 (annexure-17), asking the petitioner to appear in the preliminary hearing on 16.01.2025.

3. Accordingly, by filing this writ petition under Article 226 of the Constitution of India, the petitioner has assailed the continuation of disciplinary proceedings against the petitioner beyond the period prescribed under Rule 14(24) of the

C.C.S (C.C.A), Rules, 1965.

4. Therefore, before issuance of notice, the Court is inclined to direct Ms. R. Basar, learned Government Advocate to obtain instruction as to whether the competent authority had reserved their right to proceed against the petitioner in the disciplinary proceeding after his superannuation on 31.05.2024; and whether such communication was served on the petitioner.

5. In the event, the disciplinary matter is fixed on or before 07.02.2025, the petitioner is permitted to pray for adjournment by producing a certified copy of this order as the matter is pending for consideration before this Court.

List the matter on 07.02.2025.

JUDGE

Comparing Assistant