



WRIT CONSTITUTIONAL JURISDICTION
[CIRCUIT BENCH AT PORT BLAIR]

AND

WP.CT/12/2026

VS.

For the petitioners : Mr. Rakesh Kumar

Heard on : February 18, 2026

Delivered on : February 18, 2026

DEBANGSU BASAK, J.

1. The writ petition is at the behest of the Administration and directed against the order dated November 01, 2025 passed in OA/351/1325/AN/2024.

2. Learned advocate appearing for the petitioners submits that, the disciplinary proceeding was initiated by the Lieutenant Governor, who is an authority higher than that of the Chief



Secretary in the Administration. According to him, disciplinary proceeding was initiated by an appropriate authority and therefore, learned Tribunal erred in holding that the initiation of disciplinary proceeding against the private respondent was bad. In support of such contention, learned advocate for the petitioners relies upon the notification dated October 17, 2012.

3. Learned advocate appearing for the petitioners relies upon the (Central Civil Services (Classification, Control and Appeal) Rules, 1965, in particular to Rule 18 thereof. According to him, since, common proceeding was initiated against four persons and since, one of the persons, proceeded against was an IAS Officer, therefore, initiation of the disciplinary proceeding against the present respondent was, in accordance with the notification dated October 17, 2012.

4. Learned senior advocate appearing for the private respondent submits that, the entire proceeding including initiation is perverse. He refers to the facts of the case. He submits that, initially, a proceeding was sought to be initiated against four persons, one of whom was an Indian Administrative Officer. He submits that, the allegation in the disciplinary proceeding is filing of an affidavit on behalf of the Administration in a quasi judicial proceeding. He points out



that, an affidavit filed on behalf of the Administration in any proceeding necessarily involves a lengthy procedure. A number of persons are involved. The affidavit is initially drafted by an advocate and vetted at different levels. The respondent was of a rank way lower so as to make any decision on the contents of the affidavit.

5. Learned senior advocate for the private respondent submits that, the disciplinary proceeding against one of the person who was similarly situated as that of the private respondent was dropped. So far as the proceeding as against the IAS officer is concerned, there is an order of stay. In any event, such proceedings are pending in Delhi. The fourth person superannuated and there is an application for grant of sanction pending before the appropriate authority.

6. Learned senior advocate appearing for the respondent submits that, since, the Tribunal went into the merits of the matter and found the initiation of disciplinary proceeding was perverse, no interference is called for.

7. It appears from the records that, a departmental proceeding was sought to be initiated in respect of an affidavit filed in a quasi judicial proceeding.



8. Four persons were involved in such departmental proceeding. One of the persons is an IAS officer and there is a stay of the disciplinary proceeding against such person. Another person, was exonerated in the disciplinary proceeding itself. So far as the third person who superannuated, an application for sanction is pending before the appropriate authority.

9. The respondent assailed the disciplinary proceeding before the Tribunal. In such challenge being OA/351/1325/AN/2024, the impugned order was passed.

10. Learned Tribunal found that the initiation of the disciplinary proceeding as against the respondent was bad since it was initiated by the Lieutenant Governor who was the appellate authority.

11. We find from the records that, the respondent was asked to discharge certain duties as that of Assistant Engineer at that material point of time. He was subsequently relieved of such duties. Then, the concerned affidavit came to be filed before the quasi judicial body.

12. Rank of the respondent is such that he falls within the Sl.No.(ii) of the notification October 17, 2012. The notification October 17, 2012 prescribes the appointing authority, authority competent to impose penalties as also the appellate authority.



So far as the respondent is concerned, the authority competent to impose penalties is the Chief Secretary or the Administrative Secretary as the case may be.

13. The Appellate Authority is the Lieutenant Governor or the Chief Secretary in the event, the Administrative Secretary imposed penalty.

14. In the present case, Lieutenant Governor initiated the disciplinary proceeding against the respondent. Learned Tribunal did not find any justification in the contention of the petitioners before us that, a common proceeding was initiated and therefore, the proceeding as against the respondent was also correct.

15. In the facts and circumstances of the present case, the respondent would be losing the appellate authority prescribed by the notification dated October 17, 2012, in the event, the contention of the petitioners are accepted.

16. In such circumstances, we do not find any ground to interfere with the order passed by the learned Tribunal impugned before us. We clarify that we did not enter into the merits of the rival contentions on the merits of the disciplinary proceeding. All points raised by the parties with regard to the



merits of the disciplinary proceeding are kept to be adjudicated before the appropriate forum in accordance with law.

17. Since we are not deciding the merits of the disciplinary proceeding, and since we are concurring with the view of the learned Tribunal limited to the issue that, the disciplinary proceeding was not initiated by the appropriate authority, we therefore permit the petitioners to initiate disciplinary proceeding afresh, if so advised, by the appropriate authority, in accordance with law.

18. It goes without saying that in the event, such disciplinary proceeding is initiated, all points raised by the parties may be raised thereat.

19. **WPCT/12/2026** is disposed of without any order as to costs.

(DEBANGSU BASAK, J.)

20. I agree.

(AJAY KUMAR GUPTA, J.)