

IN THE GAUHATI HIGH COURT
(THE HIGH COURT OF ASSAM : NAGALAND : MIZORAM & ARUNACHAL PRADESH)

ITANAGAR BENCH

WP(C) No. 73(AP) 2018

Om Prakash Sharma,
Son of Late Mangal Ram Sharma,
Resident of Village - Samdo,
P.O./P.S. - Chuaharpur,
District - Jind, Haryana.
Presently posted as Junior Engineer (Civil),
in the Office of Headquarter 85 RCC (GREF),
C/O. 99 APO, Koloriang,
District - Kurung Kumey, Arunachal Pradesh.

..... Petitioner.

– VERSUS –

1. The Union of India,
Represented by the Secretary,
Boarder Roads Development Board,
Ministry of Road Transport and Highways,
B-Wing, 4th Floor, Sena Bhawan,
New Delhi - 110 010.
2. Director General of Border Roads,
Sima Sarak Bhavan, New Delhi.
3. Chief Engineer, Project Arunak,
C/O. 99 APO, Damsite, Naharlagun - 931 719.
4. Inquiry Officer cum EE (Civil),
HQ 756 BRTF (GREF), Pin - 930 756,
C/O. 99 APO, Damsite, Naharlagun.

..... Respondents.

Advocates for the Petitioner : Mr. K. Jini,
Mr. T. T. Tara,
Mr. D. Loyi,
Mr. B. Pisa,
Mr. J. Jini,
Mr. G. Bam,
Mr. M. Rime, Advocates.

Advocate for the Respondents : Mr. M. Kato, CGC,
For Respondent Nos. 1 to 4.

∴ BEFORE ∴

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

DATE OF HEARING : 07.06.2018

DATE OF JUDGMENT : 11.06.2018

JUDGMENT AND ORDER

Heard Mr. Jungam Jini, learned counsel appearing for the petitioner and Mr. Marto Kato, learned CGC, for the all the respondent Nos. 1 to 4.

2. It is stated by the petitioner that on 16.12.1983 he was appointed as a Superintendent (Civil) in the Building & Roads-II in the General Reserve Engineering Force (GREF, in short), which was later re-designated as Junior Engineer (JE, in short) and that he is presently serving as JE (Civil) at the Headquarter 85 RCC (GREF) C/o. 99 APO, a Group 'B' Officer.

3. The Chief Engineer, Project ARUNAK C/o 99 APO, the respondent No. 3 as Disciplinary Authority vide No. 15425/Disc/OPS/756 TF/02/E1 Con dated 19th June 2017 issued Memorandum and Article of Charges under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 [CCS (CCA) Rules 1965, in short] initiated a Departmental Disciplinary Proceeding against the petitioner (Annexure-5 series to the petition), wherein the concerned Inquiry Officer passed orders on 13.11.2017, 21.11.2017, 11.12.2017, 08.01.2018 and 11.01.2018 (Annexure-6 series to the petition), in the said proceeding.

4. Stating that the Chief Engineer, Project ARUNAK C/o 99 APO, the respondent No. 3 is not the Authority competent to act as a Disciplinary Authority under the provisions of said CCS (CCA) Rules 1965, so as to initiate such Disciplinary Proceeding against him by issuing the impugned Memorandum and

Article of Charges dated 19.06.2017 and as such being aggrieved with the same, the petitioner has filed this writ petition praying for quashing and setting aside the impugned Memorandum and Article of Charges dated 19.06.2017 (Annexure-5) as well as the consequential orders of the concerned Inquiry Officer dated 13.11.2017, 21.11.2017, 11.12.2017, 08.01.2018 and 11.01.2018 (Annexure-6 series) as those are without the authority of law and further prayed for a direction to transmit the said Disciplinary Proceeding initiated against him to the competent authority under the Rules, i.e., the President of India or the Director General of Border Roads as per the provisions of CCS (CCA) Rules 1965, in terms of the order No. BRDB/13(53)/99-GE-II dated 16.05.2000 issued by the Government of India in the Ministry of Surface Transport, Border Roads Development Board (Annexure-3 to the petition).

5. The main contention of the petitioner herein is that as per the provisions of CCS (CCA) 1965 Rules, a statutory Rule under Article 309 of the Constitution of India and the Order dated 16.05.2000 of the Government of India, Ministry of Surface Transport, Border Roads Development Board (Annexure-3), it is President of India or not below the rank of Director General of Border Roads are the Authority competent to initiate Disciplinary Proceeding with regard to Group 'B' officers. As such, the petitioner being a Group 'B' officer, the Chief Engineer, Project ARUNAK, Headquarter, C/o 99 APO is not the Authority competent to act as the Disciplinary Authority to initiate the impugned Departmental Disciplinary Proceeding dated 19.06.2017 against him to impose penalties under the provisions of the CCS (CCA) Rules, 1965.

6. It is also stated by the petitioner that the CCS (CCA) Rules, 1965, is a statutory Rule under Article 309 of the Constitution of India that regulates his service conditions and discipline as Group 'B' officer in the General Reserve Engineering Force of Boarder Roads Wing. Therefore, the disciplinary proceeding initiated against him by the Chief Engineer, Project ARUNAK, Headquarter, C/o 99 APO on 19.06.2017 being not valid and without any authority of law, issued in violation of said CCS (CCA) Rules, 1965 Rules needs to be set aside and quashed.

7. Relying on the order No. BRDB/13(53)/99-GE-II dated 16.05.2000 of the Government of India in the Ministry of Surface Transport, Border Roads Development Board (Annexure-3) the petitioner placed before the Court that the said order reflects that President is the appointing authority of Group 'B' officer in the General Central Service under Directorate of General Boarder Roads, where the President is the Authority competent to impose all penalties and penalties which it may impose (with reference to item numbers in Rule 11 of the CCS (CCA) 1965 Rules and it is the Director General of Border Roads who is the Authority competent to imposition of punishment under Clause (i) to (iv) of Rule 11 of said 1965 Rules, whereas, in the both the cases of imposition of penalties by those competent Authorities, the President is the Appellate Authority.

8. While issuing notice to the respondents herein, the Court by its order dated 01.03.2018, in the interim, restrained the Chief Engineer, Project ARUNAK, C/O 99 APO, respondent No. 3 and the concerned Inquiry Officer, EE (Civil), Headquarter, 756 Border Road Task Force (GREF) C/o 99 APO, respondent No. 4 from proceeding further with the impugned disciplinary proceeding against the petitioner, which is still in force.

9. The respondents filed their affidavit in the matter on 10.05.2018 stating that under Statutory Rules and Orders, the Ministry of Defence, Border Roads Wing under No. S.R.O 23, dated 29.05.2015 (Annexure-1 series to the affidavit-in-opposition of the respondents) issued an Order, published in the issue No.11 of the Weekly Gazette of India on 14.06.2015 that has been issued in suppression of the earlier Order No. BRDB/13(53)/99-GE-II dated 16.05.2000 of the Government of India in the Ministry of Surface Transport, Border Roads Development Board (Annexure-3 to the writ petition) and it is provided that under Part-II-General Central Service, Group 'B' (Non-Gazetted) of the Directorate General Boarder Roads, under Description of post of All Group 'B' (Non-Gazetted) Posts in Task Force Headquarters and units under command, the description of post under which the present petitioner is serving, the Commandant in the General Reserve Engineer Force (GREF) Centre is the Appointing Authority for them, the Chief Engineer (Project) is the Authority competent to impose all penalties and penalties which it may impose with reference to item numbers in Rule 11 of the CCS (CCA)

1965 Rules, where the Director General of Border Roads is the Appellate Authority and the Commandant, Task Force, is the Authority competent to impose punishment under Clause (i) to (iv) of Rule 11 of said 1965 Rules, where the Chief Engineer is the Appellate Authority.

10. Mr. Kato, learned CGC appearing for the respondents submitted that in terms of said Statutory Rules and Orders of the Ministry of Defence, Border Roads Wing dated 29.05.2015, published in the Weekly Gazette of India on 14.06.2015, the respondent No. 3, the Chief Engineer of the Project ARUNAK, C/O 99 APO being the Authority competent, as Disciplinary Authority, accordingly by Memorandum & Articles dated 19.06.2017 initiated the Disciplinary Proceeding under the provisions of CCS (CCA) Rules, 1965 against the petitioner, a Group 'B' (Non-Gazetted) Junior Engineer in the Task Force Headquarters and units under command of the Project ARUNAK, C/O 99 APO.

11. Mr. Kato, learned CGC, during the course of the argument has also placed a copy of the Notification No. G.S.R. 239 dated 26.09.2012 of the Border Roads Development Board in the Ministry of Road Transport and Highways, Government of India that was published in the Gazette of India Part-II on 29.09.2012 that was issued in exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and in supersession of the *General Reserve Engineer Force Group 'C' and Group 'D' Recruitment Rules, 1982*, in so far as they relate to the posts of Superintendent Buildings and Roads Grade-I, Superintendent Buildings and Roads Grade-II and Overseer, except as respect things done or omitted to be done before such supersession, the President made the rules, namely, *the Ministry of Road Transport and Highways, Border Roads Development Board, General Reserve Engineer Force (Border Roads Organization), Junior Engineer (Civil) Group 'B' Post, Recruitment Rules, 2012*, that regulates the method of recruitment to the post of Junior Engineer (Civil) in the Ministry of Road Transport and Highways, Border Roads Development Board, General Reserve Engineer Force (Border Roads Organisation) to show that the petitioner's service falls under the description of post of All Group 'B' (Non-Gazetted) Posts in Task Force Headquarters and units under command in the General Central Service, Group 'B'

(Non-Gazetted), Directorate General Boarder Roads of Border Roads Wing in the Ministry of Defence, Government of India.

12. It is also stated by Mr. Kato, learned CGC that without placing the upto date Statutory Rules and Orders of the Ministry of Defence, Border Roads Wing, by way of misrepresentation the petitioner has obtained the interim order dated 01.03.2018 from the Court by placing the earlier order No. BRDB/13(53)/99-GE-II dated 16.05.2000 of the Government of India in the Ministry of Surface Transport, Border Roads Development Board (Annexure-3), which is no longer in force w.e.f. 29.05.2015, as in suppression of said earlier Order dated 16.05.2000, the Ministry of Defence, Border Roads Wing has passed the said order dated 29.05.2015 under its Statutory Rules and Orders that was published in the Weekly Gazette of India on 14.06.2015. It is also stated by Mr. Kato that for the said purpose, the respondents Union of India on 10.05.2018 has also filed an Interlocutory Application in the present Writ Petition being IA (C) No. 85 (AP) 2018 for modification, vacation and alteration of said order dated 01.03.2018, by serving a copy of the same on the counsel for the writ petitioner, which is pending for disposal.

13. By filing reply to the affidavit of the respondents, the petitioner has submitted that though the respondents through its Ministry of Defence, Border Roads Wing by its Order dated 29.05.2015, has made some amendment with regard to the appointing authority, the disciplinary authority and appellate authority with regard to all serving under General Central Service, Group 'B' (Non-Gazetted) of the Directorate General of Boarder Roads, including All Group 'B' (Non-Gazetted) Posts in Task Force Headquarters and units under command by the said order dated 29.05.2015, but the same is merely an executive instruction and cannot over ride the provisions of the said CCS (CCA) 1965 Rules, a Statutory Rules under Article 309 of the Constitution of India.

14. Submissions on behalf of both the parties have been heard. The contention raised by the petitioner that the order dated 29.05.2015 passed by the Border Roads Wing in the Ministry of Defence appointing the Commandant, General Reserve Engineer Force Centre being the appointing authority with regard

to of All Group 'B' (Non-Gazetted) Posts in Task Force Headquarters and units under command in the General Central Service, Group 'B' (Non-Gazetted) of the Directorate General Boarder Roads under the Border Roads Wing in the Ministry of Defence, Government of India, where the Chief Engineer (Project) is the Authority competent to impose all penalties and penalties which it may impose with reference to item numbers in Rule 11 of the CCS (CCA) 1965 Rules, where the Director General of Border Roads is the appellate authority and with regard to the imposition of penalties under Clause (i) to (iv) of the Rule 11 of the CCS (CCA) 1965 Rules, the Commander, Task Force is the Authority competent to impose such penalties, where the Chief Engineer (Project) is the appellate authority, is only an Executive Instruction has also been considered, considering the fact that service condition and discipline of the petitioner is regulated by the CCS (CCA) Rules, 1965, a statutory Rule under Article 309 of the Constitution of India and the submission of the petitioner that as the order dated 29.05.2015 has not been issued under Article 309 of the Constitution of India, the same cannot be given effect with regard to petitioners service as Group 'B' Engineer of GREF.

15. Let me consider the provisions of the CCS (CCA) Rules, 1965 vis-à-vis the said order dated 29.05.2015 of the Border Roads Wing in the Ministry of Defence. Part III of said the CCS (CCA) 1965 Rules, consisting of Rule 8 and 9 relate to the 'Appointing Authority', where Rule 8 relates to 'Appointments to Class I Services and Posts' and Rule 9 relates to 'Appointments to other Services and Posts'. Part IV of said 1965 Rules consisting of Rule 10 relates to 'Suspension', Part V of said 1965 Rules consisting of Rules 11 to 13 provides for 'Penalties and Disciplinary Authorities' where Rule 11 relates to 'Penalties', Rule 12 relates to 'Disciplinary Authorities' and rule 13 relates to Authority to instituted Proceedings. Further Part VI of said 1965 Rules, consisting of Rules 14 o 21 relate to 'Procedure for Imposing Penalties', Part VII consisting of Rules 22 to 28 relate to Appeals' and Part VIII consisting of Rules 29 and 29 A relate to 'Revision and Review.

16. Rule 9 of said 1965 Rules relating to 'Appointments to other Services and Posts' reads as follows:-

"9. Appointments to other services and posts –

(1) All appointments to the Central Civil Services (other than the General Central Service) Class II, Class III, and Class IV, shall be made by the authorities specified in this behalf in the Schedule :

Provided that in respect of Group C and D, Civilian Services, or civilian posts in the Defence Services appointments may be made by officers empowered in this behalf by the aforesaid authorities.

(2) All appointments to Central Civil Posts, Group B and Group C and Group D, included in the General Central Service shall be made by the authorities specified in that behalf by a general or special order of the President or where no such order has been made, by the authorities specified in this behalf in the Schedule."

17. Rule 12 of said 1965 Rules provides for 'Disciplinary Authorities' and it reads as follows:-

12. Disciplinary Authorities –

(1) The President may impose any of the penalties specified in Rule 11 on any Government Servant.

(2) Without prejudice to the provisions of sub-rule (1) subject to the provisions of sub-rule (4), any of the penalties specified in Rule 11 may be imposed on –

(a) a member of a Central Civil Service other than the General Central Service, by the appointing authority or the authority specified in the schedule in this behalf or by any other authority empowered in this behalf by a general or special order of the President;

(b) a person appointed to a Central Civil Post included in the General Central Service, by the authority specified in this behalf by a general or special order of the President or where no such order has been made, by the appointing authority or the authority specified in the Schedule in this behalf.

(3) Subject to the provisions of sub-rule (4), the power to impose any of the penalties specified in Rule 11 may also be exercised, in the case of member of a Central Civil Service, Group C (other than the Central/ Secretariat Clerical Service), or a Central Civil Service, Group D –

(a) if he is serving in a Ministry or Department of the Government of India, by the Secretary to the Government of India, in that Ministry or Department, or

(b) if he is serving in any other office, by the head of that office, except where the head of the office is lower in rank than the authority competent to impose the penalty under sub-rule (2).

(4) Notwithstanding anything contained in this rule, –

(a) except where the penalty specified in clause (v) or clause (vi) of Rule 11 is imposed by the Comptroller and Auditor-General on a member of the Indian Audit and Accounts service, no penalty

specified in clauses (v) to (ix) of that Rule shall be imposed by any authority subordinate to the appointing authority;

(b) where a Government Servant who is a member of a service other than the General Central Service or who has been substantively appointed to any civil post in the General Central Service, is temporarily appointed to any other service or post, the authority competent to impose on such Government Servant any of the penalties specified in clauses (v) to (ix) of Rule 11 shall not impose any such penalties unless it has consulted such authority, not being an authority subordinate to it, as would have been competent under sub-rule (2) of impose on the Government Servant any of the said penalties had he not been appointed to such other service or post.

(c) in respect of a probationer undergoing training in Lal Bahadur Shastri National Academy of Administration, the Director of the said Academy shall be the authority competent to impose on such probationer any of the penalties specified in clauses (i) to (iii) of Rule 11 after observing the procedure laid down in Rule 16.

Explanation 1.

For the purpose of clause (c) 'probationer' means person appointed to a Central Civil Service on probation.

Explanation 2.

Where a Government Servant belonging to a service or holding a Central Civil Post of any class, is promoted, whether on probation or temporarily to the Service or Central Civil Post of the next higher class, he shall be deemed for the purposes of this rule to belong to the service of, or hold the Central Civil Post of such higher class.

18. Further, Rule 24 of said 1965 Rules relates to 'Appellate Authority', which reads as follows:-

24. Appellate Authorities –

(1) A Government Servant, including a person who has ceased to be in Government service, may prefer an appeal against all or any of the orders specified in Rule 23 to the authority specified in this behalf either in the Schedule or by a general or special order of the President or, where no such authority is specified –

(i) Where such Government Servant is or was a member of a Central Service, Group A or Group B or holder of a Central Civil Post, Group A or Group B,

(a) to the appointing authority, where the order appealed against is made by an authority subordinate to it; or

(b) to the President where such order is made by any other authority;

(ii) where such Government Servant is or was a member of a

Central Civil Service, Group C or Group D or holder of a Central Civil Post, Group C or Group D, to the authority to which the authority making the order appealed against a immediately subordinate.

(2) Notwithstanding anything contained in sub-rule (1) –

(i) an appeal against order in a common proceeding held under Rule 18 shall lie to the authority to which the authority functioning as the disciplinary authority for the purpose of that proceeding is immediately subordinate :

Provided that where such authority is subordinate to the President in respect of a Government Servant for whom President is the appellate authority in terms of sub-clause (b) of clause (i) of sub-rule (1), the appeal shall lie to the President.

(ii) where the person who made the order appealed against becomes, by virtue of his subsequent appointment of otherwise, the appellate authority in respect of such order, an appeal against such order shall lie to the authority to which such person is immediately subordinate.

(3) A Government Servant may prefer an appeal against an order imposing any of the penalties specified in Rule 11 to the President, where no such appeal lies to him under sub-rule (1) or sub-rule (2), if such penalty is imposed by any authority other than the President, on such Government Servant in respect of his activities connected with his work as an office-bearer of an association, federation or union, participating in the Joint Consultation and Compulsory Arbitration Scheme.

19. The petitioner undisputedly and also as per his own submission is serving as a as a Junior Engineer (Civil) in the Task Force Headquarter and units under Command of Project Arunank under GREF in General Central Services Group B (Non Gazetted) of Directorate General Border Roads. As seen from the Rule 9 relating to 'Appointment to other Services and Posts' of 1965 Rules, noted above, from the Sub Rule 1 of Rule 9 it can be seen that all appointment to the Central Civil Services (CCS) other than the General Central Services, Group 'B', Group 'C' and Group 'D' is required to be made by the authorities specified in that behalf in the schedule (i) appended with it, provided that in respect of Group 'C' and Group 'D', Civilian Services or Civilian Posts in the Defence Services, appointments are to be made by officers empowered in that behalf by the authorities mentioned in sub Rule 1 of Rule 9.

20. Again Sub-Rule 2 of Rule 9 of said 1965 Rules, as seen from the above, clearly specifies that all appointment to Central Civil posts, Group 'B', Group 'C'

and Group 'D' included in the General Central Service shall be made by the authorities specified in that behalf by a general or special order of the President or where no such order has been made, by the authorities specified in that behalf in the schedule and the petitioner herein being a Group 'B' officer included in the General Central Service is covered by Sub-Rule 2 of said Rule 9 of 1965 Rules.

21. As seen from above that Clause (b) of sub Rule 2 of Rule 12 of 1965 Rules pertaining to 'Disciplinary Authorities' provides that *a person appointed to a Central Civil Post included in the General Central Service, by the authority specified in that behalf by a general or special order of the President or where no such order has been made, by the appointing authority or the authority specified in the Schedule in that behalf.*

22. Further Sub Rule 1 of Rule 24 of 1965 Rules that relates to 'Appellate Authorities' provides that *where such Government Servant is or was a member of a Central Service, Group A or Group B or holder of a Central Civil Post, Group A or Group B, - (a) to the appointing authority, where the order appealed against is made by an authority subordinate to it; or (b) to the President, where such order is made by any other authority.*

23. Though the petitioner placed reliance on the order dated 16.05.2000 of the Government of India in the Ministry of Surface Transport, Border Roads Development Board where with regard to the petitioner's post of Group 'B' in the General Central Service in the Directorate of General Border Roads, it was notified that the President is the appointing authority to such Group 'B' officer where President and the Director General of Border Roads is the Authority competent to impose penalties under the provisions of the CCS (CCA) Rules 1965 as the case may be, but from the Notification No.S.R.O.23 dated 29.05.2015 of the Ministry of Defence, Border Roads Wing published in the weekly Gazette of India on 14.06.2015, annexed by the respondents in their affidavit, it is seen that the same has been issued under the provisions of Sub Rule (2) of Rule 9, Clause (b) of Sub Rule (2) of Rule 12 and Sub-Rule (1) of Rule 24 of the CCS (CCA) Rules 1965 and in supersession of the Order No. BRDB/13(53)/99-GE-II dated 16.05.2000 of the Government of India in the then Ministry of Surface Transport, Border Roads

Development Board, which was published in the Gazette of India on 13.09.2000 (the order under which the petitioner is claiming that it is the President/ Director General Border Roads is the Authority competent to initiate Disciplinary Proceeding against him) and reads further that expect as respects things done or omitted to be done before such supersession, the President hereby directs that in respect of the posts in the General Central Service, Group 'B' (Gazetted), General Central Service, Group 'B' (Non-Gazetted) and General Central Service, Group 'C' as specified in column 2 of Part-I, Part-II and Part-III of the Schedule of the said Order, the authority specified in column (3) of the said schedule shall be the Appointing Authority and the authorities specified in columns (4) and (6) of the said Schedule shall be the Disciplinary Authority and the Appellate Authority respectively in regard to the penalties specified in column (5). As per the said Order dated 29.05.2015 prescribed in the Part II of the Schedule pertaining to General Central Service of Group 'B' (Non-Gazetted) in the Directorate General Border Roads with regard to all Group 'B' (Non-Gazetted) Posts in Task Force Headquarters and Units under command to which the petitioner belongs to, it is the Commandant of General Reserve Engineer Force Centre is the Appointing Authority and the Chief Engineer (Project) is the Disciplinary Authority with regard to all penalties under Rule 11 of the CCS (CCA) Rules 1965 where the Director General Border Roads is the Appellate Authority. Further with regard to imposition of penalties under Clause (i) to (iv) of the Rule 11 of the CCS (CCA) Rules, 1965, the Commander, Task Force the Authority competent to impose such penalties, where the Chief Engineer (Project) is the Appellate Authority.

24. As the petitioner's service being a Group 'B' Engineer (Civil) in General Central Service, Group 'B' (Non-Gazetted) in the Directorate General Border Roads is guided by Sub-Rule (2) of Rule 9 of the CCS (CCA) Rules, 1965, noted above, his post falls under the aforementioned Order dated 29.05.2015 issued by the Ministry of Defence in the Border Roads Wing.

25. As such, in terms of the said Order dated 29.05.2015 of the Ministry of Defence in the Border Roads Wing, the Court is of the view that the petitioner being a Group 'B' Engineer (Civil) in General Central Service, Group 'B' (Non-Gazetted) in the Directorate General Border Roads and as the said order dated

29.05.2015 have been issued by the President of India as provided in Sub Rule (2) of Rule 9 of said CCS (CCA) Rules, 1965, therefore, the Chief Engineer (Project) Arunank, C/o 99 APO being the Authority competent and proper Disciplinary Authority vide No. 15425/Disc/OPS/756TF/02/E1.Con dated 19.06.2017 (Annexure-5 series to the writ petition), has rightfully initiated the Disciplinary Proceeding against the petitioner, a Junior Engineer (Civil) serving in the 85 RCC, GREF, C/o 99 APO.

26. Considering the entire aspect of the matter and for the reasons above, this Court is of the view that there is no such infirmity or illegality with the issuance of the Memorandum and Articles of Charges under No. 15425/Disc/OPS/756TF/02/E1.Con dated 19.06.2017 (Annexure-5 series to the writ petition) to the petitioner and initiating Departmental Disciplinary Proceeding against him by the Chief Engineer, Project Arunank, C/o 99 APO as the Disciplinary Authority, so as to interfere with the said Memorandum and Articles of Charges in exercise of the power under Article 226 of the Constitution of India.

27. Accordingly, this writ petition, being devoid of merit, stands dismissed.

28. Interim order passed earlier 01.03.2018 in the present writ petition, stands vacated.

JUDGE

Rupam