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**(2015) 08 DEL CK 0302**  
**In the Delhi High Court**  
**Case No : W.P.(C) 8321/2015**

Balvir Singh

APPELLANT

Vs

Union of India and Others

RESPONDENT

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**Date of Decision :** 31-08-2015

**Acts Referred:**

**Citation :** (2015) 08 DEL CK 0302

**Hon'ble Judges :** G.S. Sistani and Sangita Dhingra Sehgal, JJ.

**Bench :** Division Bench

**Advocate :** G.D. Gupta, Senior Advocate and Piyush Sharma, Advocate, for the Appellant; Suparna Srivastava, Anushka Arora, Rahul Srivastava and Neelmani Pant, Advocates, for the Respondent

**Final Decision :** Disposed Off

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## **Judgement**

G.S. Sistani, J.—Challenge in this writ petition is to the order passed by the Central Administrative Tribunal dated 28.05.2015.

2. Issue Notice to show cause as to why the petition be not admitted.

3. Mrs. Suparna Srivastava, Advocate accepts notice on behalf of respondent No.

1. Mr. Sanjoy Ghose, Advocate accepts notice on behalf of respondent Nos. 2 &

3. With the consent of the parties, the writ petition itself is taken up for final hearing.

4. The necessary facts to be noticed for disposal of this writ petition are that one Ms. X was posted on 25.05.2009 as ASI (P) Branch of 4th Battalion of the Delhi Armed Police (DAP). She was looking after various duties of Lower Subordinates which included Head Constables and Constables who were posted in the 4th Battalion of DAP. Ms. X had filed a complaint of harassment against the petitioner. The petitioner received a notice from the Committee on 02.07.2009 and reply was filed on 14.07.2009. The petitioner had made a grievance before Sexual Harassment Committee (hereinafter referred to as Committee) that no copy of complaint was provided to him despite request. Despite his requests in

writing, copy of the exact complaint was not provided but only a gist of the complaint was provided to which he submitted a reply on 20.08.2009. On 22.05.2012, he was shocked to receive copy of the order dated 22.03.2012 annexing the copy of the report of the Committee and the statements of the witnesses. The petitioner sought 15 days extension to furnish his representation. The representation was not considered favourably and an order of Compulsory Retirement was passed on 22.01.2013 which was received by him with the copy of the advice of the UPSC. The petitioner approached the Central Administrative Tribunal. The Tribunal has by its order of 28.05.2015 passed the following directions:

"(i) The impugned order dated 21.01.2013 is quashed and set aside.

(ii) Since the copy of the UPSC's advice is now on the record, the applicant will submit his representation to the competent authority within one month from the date of receipt of certified copy of this order directly.

(iii) The competent authority shall consider the representation of the applicant, if made, and take a view that whether the order of compulsory retirement passed against the applicant shall be allowed to stand or needs to be modified, within two months from the date of receipt of such representation.

(iv) There shall be no order as to costs."

5. Mr. G.D. Gupta, Sr. Advocate appearing for the petitioner submits that one of the main contentions raised before the Central Administrative Tribunal was that the petitioner was deprived of the opportunity to cross-examine the witness, who had deposed before the Committee and also that the petitioner had been deprived of the right to lead defence evidence. Mr. Gupta further submits that the Tribunal has erred in holding that the petitioner would not be entitled to cross-examine the witnesses who had appeared before the Commission.

6. Mr. G.D. Gupta has relied on a decision rendered by the Supreme Court of India in the case of Union of India (UOI) and Others Vs. Sanjay Jethi and Another, wherein the Hon"ble Supreme Court has held that while conducting an enquiry, principles of natural justice are to be followed and a fair opportunity is to be granted to a delinquent and also a delinquent would have a right to cross-examine the witnesses.

7. Mr. Gupta has also placed reliance on a decision rendered by a Division Bench of this Court in the case of Saurabh Kumar Mallick Vs. The Comptroller and Auditor General of India and Another, , which was also in a case of sexual harassment at workplace. Reliance is placed on Para 29. In support of his submission that the procedure laid down under Rule 14 of the CCS (CCA) Rules were to be complied with. Para 29 reads as under :

"29. The Tribunal taking note of the aforesaid judgment still pointed out that the issue of procedure to be adopted has not been commented upon. On the other hand, noted the learned Tribunal, in Sandeep Khurana v. Delhi Transco Limited

and Ors. WP(C) No. 7849/2006 decided on 17.11.2006, when a State complaint committee had given its finding and the department had not followed the procedure laid down under Rule 14 of the CCS(CCA) Rules, penalty was set aside by the Single Bench and LPA there against is pending. Under these circumstances, the Tribunal was of the view that when it comes to procedure, it would be better that procedure under Rule 14 is followed as it is trite that when a Government servant is to be inflicted a penalty, due procedure in law has to be adopted which would be in consonance with the natural justice as well. The position was summed up by the Tribunal, therefore, in the following words:

52. Necessary corollary, which emerges from the above when pointed out to learned senior counsel for the respondents, he had fairly stated to incorporate as a procedure the safeguards as per the principles of natural justice in holding of the disciplinary proceedings. In the above view of the fact, we have no hesitation to rule that though the complaint mechanism and the committee formed therein, has to be treated as an inquiring authority with its report to be a deemed inquiry report within the ambit of Rule 14 of Rules 1965, yet the respondents are not absolved from as an obligation to hold the inquiry by following the procedure as laid down under Rule 14 of Rules 1965."

8. Mr. Sanjoy Ghose and Ms. Suparna Srivastava, learned counsel appearing for the respondents placed reliance on a decision in the case of Hira Nath Mishra and Others Vs. The Principal, Rajendra Medical College, Ranchi and Another, , in support of their submission that principles of natural justice are not a straight jacket formula and would depend on the facts and circumstances of each case, the nature of enquiry, the subject matter i.e. being dealt with. The respondents have placed reliance on the judgments rendered by this court in the case of Pushkar Saxena v. GNCTD, W. P. (C) No. 7592/2001 (Para 15 & 16) and Avinash Mishra Vs. Union of India, .

9. The short questions, which arise for consideration before this Court, are that (i) as to whether a delinquent is entitled to an opportunity to cross-examine the victim and other witnesses examined by the Committee; (ii) as to whether the petitioner would be entitled to lead defence evidence; and (iii) in case the petitioner is entitled to cross-examine the victim and other witnesses what would be the procedure and safeguards to be followed.

10. In the case of Medha Kotwal Lele & Ors. v. Union of India & Ors., reported at VI (2004) SLT 451, it was held by the Supreme Court of India that the report of the Complaint Committee has to be treated as per Rule 14 of the CCS (CCA) Rules as a final report in the enquiry. The relevant observations read as under:

"Complaints Committee as envisaged by the Supreme Court in its judgment in Vishaka and others Vs. State of Rajasthan and Others, , will be deemed to be an inquiry authority for the purposes of Central Civil Services (Conduct) Rules, 1964 (hereinafter called the CCS Rules) and the report of the Complaints Committee shall be deemed to be an inquiry report under the CCS Rules.

Thereafter the disciplinary authority will act on the report in accordance with the rules."

11. In the case of Saurabh Kumar Mallick Vs. The Comptroller and Auditor General of India and Another, , it was held as under:

"29. The Tribunal taking note of the aforesaid judgment still pointed out that the issue of procedure to be adopted has not been commented upon. On the other hand, noted the learned Tribunal, in Sandeep Khurana Vs. Delhi Transco Ltd. and Others, decided on 17.11.2006, when a State complaint committee had given its finding and the department had not followed the procedure laid down under Rule 14 of the CCS (CCA) Rules, penalty was set aside by the Single Bench and LPA there against is pending. Under these circumstances, the Tribunal was of the view that when it comes to procedure, it would be better that procedure under Rule 14 is followed as it is trite that when a Government servant is to be inflicted a penalty, due procedure in law has to be adopted which would be in consonance with the natural justice as well. The position was summed up by the Tribunal, therefore, in the following words:

"52. Necessary corollary, which emerges from the above when pointed out to learned Senior Counsel for the respondents, he had fairly stated to incorporate as a procedure the safeguards as per the principles of natural justice in holding of the disciplinary proceedings. In the above view of the fact, we have no hesitation to rule that through the complaint mechanism and the committee formed therein, has to be treated as an inquiring authority with its report to be a deemed inquiry report within the ambit of Rule 14 of Rules, 1965, yet the respondents are not absolved from as an obligation to hold the inquiry by following the procedure as laid down under Rule 14 of Rules, 1965."

12. In the case of Pushkar Saxena v. GNCTD, W.P.(C) No. 7592/2001, a Division Bench of this Court in paras 4, 15 and 16 observed as under:

"4. There is no material on record to show that some special procedure for inquiry into complaints of sexual harassment had been prescribed by the respondents. This is also not the case of the respondents that CSS(CCA) Rules did not apply to the petitioner. Therefore, the inquiry was required to be conducted in accordance with the procedure prescribed in Rule 14 of the said Rules, for imposing major penalties. A Proviso has been added to Sub Rule (2) of Rule 14 of the said Rules by a notification dated 1.7.2004 published on 10.7.2004. The only modification made by the Proviso is that where there is a complaint of sexual harassment, the complaint committee established to inquire into such complaints shall be deemed to be the Inquiry Authority appointed by the Disciplinary Authority and if a separate procedure has not been prescribed for the complaint committee for holding an inquiry into complaints of sexual harassment, the inquiry, as far as practicable, shall be held in accordance with the procedure laid down in the said Rules. Though the Proviso was not in the statute book when the inquiry against the petitioner was conducted, but, it is

relevant to the extent, that it indicates that even now the inquiry into complaints of sexual harassment is required to be conducted, as far as it is practicable, in terms of the procedure prescribed in CCS (CCA) Rules, unless a separate procedure is prescribed for holding such inquiry by the complaints committee. Since, there is no material or even an averment that any special procedure had been prescribed for holding an inquiry into sexual harassment, at the time the inquiry was held against the petitioner, the Inquiry Officer was required to hold the inquiry, at least substantially, in accordance with the procedure prescribed in CCS (CCA) Rules.

15. As far as cross-examination of the witnesses are concerned, as observed by the Supreme Court in *K.L. Tripathi Vs. State Bank of India and Others*, if the version or statement of the person who has testified, is, in dispute, right of cross-examination must invariably form part of fair play in action though there may be no requirement of cross-examination when there is no dispute between the parties with respect to the facts. Though, ordinarily, cross-examination of witnesses needs to be conducted in the presence of the delinquent, we are of the view that in the case of an inquiry into allegations of sexual harassment, such cross-examination need not necessarily be in the presence of the delinquent, since sometimes the very presence of the delinquent may result in putting pressure upon the witnesses, particularly, if they are children and may discourage them from coming out with the truth. Moreover, cross examination in the presence of the delinquent, would invariably result in disclosing the identity of the victim and/or witnesses, even where it is not necessary to disclose their identity. The necessity of withholding the identity of the victim and/or witnesses of sexual harassment was acknowledged by Supreme Court in *Bidyug Chakraborty* (supra), when it directed cross-examination of the witnesses, by way of interrogatories through a Local Commissioner. However, in the case before us the names of all the girl students have been disclosed not only in the list of witnesses, but also in the Inquiry Report which has already been supplied to the petitioner. Therefore, no useful purpose would be served by asking the petitioner to submit the questionnaire, containing the questions he wants to put to the witnesses and appointing a Local Commissioner to record the answer of the witnesses to such questions. In any case, no one has appeared on behalf of the respondents during the course of the arguments before us and consequently, no such request has been made before us.

16. For the reasons stated hereinabove we dispose of the writ petition with following directions:

- 1) The order dated 14.9.2001 passed by the Tribunal in OA No. 2703/2000, the order dated 27.3.2000 passed by the Disciplinary Authority as well as the order dated 8.9.2000 passed by the Appellate Authority are hereby set aside.
- 2) The matter is remitted for conducting further inquiry in terms of the directions given herein below:

(i) The respondents will supply a copy of the Preliminary Enquiry report as well as the reports of such students referred to in para 02 of annexure III to the Memorandum of Charge dated 22.12.1996 who were examined by the Inquiry Officer, as well as their statements recorded by the Inquiry Officer.

(ii) In case a Complaints Committee in terms of the decision of the Supreme Court in Vishaka and others Vs. State of Rajasthan and Others, has been constituted, the allegations against the petitioner would be inquired into by that Committee. In case no Complaints Committee in terms of Vishaka (supra) has so far been set up, the Disciplinary Authority will constitute an Inquiry Committee headed by a Woman Officer within 04 weeks from the date of this order and further inquiry in the matter would be conducted by that Committee. At least half of the members of the Committee would be females.

(iii) Further inquiry in the matter would begin from the stage of cross examination of the witnesses. The petitioner would be entitled to cross examine the witnesses who were earlier examined by the Inquiry Officer, through a female defence Assistant of his choice. He would, however, not be present at the time of their cross-examination. If the petitioner does not avail the services of a female Defence Assistant, he will submit a questionnaire, giving the questions he wants the witnesses to answer, and the answers to the questions will be obtained by the Inquiry Committee. The petitioner will not be present at that time.

(iv) The respondents shall be entitled to examine such other witnesses mentioned in the list of witnesses, who were not examined by the previous Inquiry Officer. If the respondents decide to examine any such witness, the copy of the previous complaint/statement made by her/him shall be provided to the petitioner, before examining him/her.

(v) After examination of the witnesses of the respondents, the petitioner will be given an opportunity to examine witnesses in his defence.

(vi) A fresh Inquiry Report will be submitted by the Inquiry Committee after completing inquiry in terms of this order within 06 months from the date of this order.

(vii) On submission of the inquiry report, the Disciplinary Authority shall proceed further in the matter in accordance with law and relevant rules on the subject, and take a final decision thereon, within three months of the receipt of the report."

13. Further in the case of Avinash Mishra Vs. Union of India, , it has been held as under:

"14. The second contention urged was that in the absence of strict adherence to the procedure mandated under Rule 14, which requires the public employer to issue a charge sheet, detailing the Articles of Charges, Statement of Imputations and list out the witnesses and documents proposed to be relied upon and conduct the proceedings, the entire disciplinary proceedings were vitiated. This

Court is of the opinion that having regard to the very nature of the proceedings which is mandated on account of the kind of allegations leveled, the disciplinary authority is empowered to hold an inquiry "as far as practicable in accordance with the procedure laid down" in the Rules. This expression "as far as practicable", in the opinion of the Court, clothes the Complaints Committee with the discretion not to follow, in letter, the entirety of the procedure. Consequently, so long as the allegations of sexual harassment are fairly disclosed to the official charged with it and he is made aware of the materials proposed to be used against him in the inquiry, during the course of which he is afforded adequate opportunity to explain such adverse material, the entire procedure and the initiation of proceedings cannot be declared invalid.

15. In the present case, the petitioner's complaint is that his explanations to the allegations leveled were not considered and that the witnesses examined by the Complaints Committee were in his absence. He also argues that the copies of the statements of those witnesses were not furnished to him and most importantly, he was denied the right of cross-examination.

16. There is no doubt that sexual harassment at the workplace is a serious misbehavior and if found to be true, dealt with severely. At the same time, the procedure adopted in arriving at a finding - considering the likely adverse finding of a charged official in a given case - has to be fair, and the materials also should be considered in a fair, reasonable and dispassionate manner. Barring rare instances where the security of the witness or the victim would be in peril, (probably the only kind of exception recognized in terms of the declaration of the Supreme Court in *Union of India and Another Vs. Tulsiram Patel and Others*, , the cross-examination of witnesses ought not to be denied.

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19. The Complaints Committee shall now take-up the matter for further inquiry in terms of the following directions:

(a) The respondents shall ensure that copies of all material which had not been furnished to the petitioner till date and which contain anything adverse to him shall be supplied within a week from today. The petitioner's written response/representation in respect of these shall be given within a week thereafter.

(b) The further inquiry into the matter would begin from the stage of cross-examination of witnesses. The petitioner would be entitled to cross-examine all witnesses who were examined earlier by the Committee and in respect of whom cross-examination was not permitted. Such cross-examination shall be conducted through a female defence assistant of the petitioner's choice failing which by a male defence assistant of his choice. In case the petitioner does not avail of the services of defence assistant, he can submit a questionnaire giving the questions which he wishes the witnesses to answer; the answers to such questions will be obtained by the inquiry committee.

20. The Complaints Committee shall complete the inquiry and forward its report to the disciplinary authority; a copy of the report shall be given to the petitioner who may forward his comments/recommendations within four days of receipt. The consequential orders or decision of the disciplinary authority shall be passed within a week thereafter. The entire process of holding further proceedings, finalizing the report of the decision of the disciplinary authority after considering the comments of the petitioner (if the report is adverse) shall be completed at the earliest convenience of the respondents and in any event not later than 15.11.2014. The respondents shall also endeavor to ensure that the petitioner's claim for promotion to the post of Advisor (Water Resources) - which has been kept pending all this while is considered in the light of the final orders of the disciplinary authority."

14. Having regard to the settled position of law, we are of the view that the order passed by the Central Administrative Tribunal as also the order of compulsory retirement passed on 23.1.2013 are liable to be set aside as the petitioner was not granted an opportunity to cross-examine the victim and other witnesses, who deposed before the Sexual Harassment Committee. The petitioner was also not given an opportunity to lead defence evidence.

15. With regard to procedure to be adopted during the course of examination of the witnesses, in the case of Pushkar Saxena (supra) it was directed that the petitioner would be entitled to cross-examine the witnesses, who were earlier examined by the inquiry officer through a female defence assistant of his choice. He would, however, not be present at the time of cross-examination. If the petitioner does not avail the services of a female defence assistant, he would submit a questionnaire giving the questions he wants the witness to answer and the answers to the questions would be obtained by the inquiry committee. The petitioner was not to remain present at that time.

16. In the case of Avinash Mishra (supra), leave was granted to the petitioner to cross-examine all the witnesses, who were examined earlier by the Committee and in respect of whom cross-examination was not permitted. The cross-examination was to be conducted through a female defence assistant of the petitioner's choice failing which by a male defence assistant of his choice and in case the petitioner did not avail the services of the defence assistant, he was entitled to submit a questionnaire giving the questions, which he wishes the witness to answer. The answers to such questions were to be obtained by the inquiry committee.

17. In the case of Hira Nath Mishra and Others Vs. The Principal, Rajendra Medical College, Ranchi and Another, , which is yet another case of sexual harassment, a case, which pertain to a student of a girl hostel, it has been held as under:

"9. The High Court was plainly right in holding that principles of natural justice are not inflexible and may differ in different circumstances. This Court has

pointed out in *Union of India (UOI) and Another Vs. P.K. Roy and Others*, that the doctrine of natural justice cannot be imprisoned within the strait-jacket of a rigid formula and its application depends upon several facts. In the present case the complaint made to the Principal related to an extremely serious matter as it involved not merely internal discipline but the safety of the girl students living in the Hostel under the guardianship of the college authorities. These authorities were in loco parentis to all the students-male and female who were living in the Hostels and the responsibility towards the young girl students was greater because their guardians had entrusted them to their care by putting them in the Hostels attached to the college. The authorities could not possibly dismiss the matter as of small consequence because if they did, they would have encouraged the male student rowdies to increase their questionable activities which would, not only, have brought a bad name to the college but would have compelled the parents of the girl students to withdraw them from the Hostel and, perhaps, even stop their further education. The Principal was, therefore, under an obligation to make a suitable enquiry and punish the miscreants.

10. But how to go about it was a delicate matter. The Police could not be called in because if an investigation was started the female students out of sheer fright and harm to their reputation would not have cooperated with the police. Nor was an enquiry, as before a regular tribunal, feasible because the girls would not have ventured to make their statements in the presence of the miscreants because if they did, they would have most certainly exposed themselves to retaliation and harassment thereafter. The college authorities are in no position to protect the girl students outside the college precincts. Therefore, the authorities had to devise a just and reasonable plan of enquiry which, on the one hand, would not expose the individual girls to harassment by the male students and, on the other, secure reasonable opportunity to the accused to state their case.

11. Accordingly, an Enquiry Committee of three independent members of the staff was appointed. There is no suggestion whatsoever that the members of the Committee were anything but respectable and independent. The Committee called the girls privately and recorded their statements. Thereafter the students named by them were called. The complaint against them was explained to them. The written charge was handed over and they were asked to state whatever they had to state in writing. The Committee were not satisfied with the explanation given and thereafter made the report.

12. We think that under the circumstances of the case the requirements of natural justice were fulfilled. The learned Counsel for the respondents made available to us the report of the Committee just to show how meticulous the members of the Committee were to see that no injustice was done. We are informed that this report had also been made available to the learned Judges of the High Court who heard the case and it further appears that the counsel for the appellants before the High Court was also invited to have a look into the report,

but he refused to do so. There was no question about the incident. The only question was of identity. The names had been specifically mentioned in the complaint and, not to leave anything to chance, the Committee obtained photographs of the four delinquents and mixed them up with 20 other photographs of students. The girls by and large identified these four students from the photographs. On the other hand, if as the appellants say, they were in their own Hostel at the time it would not have been difficult for them to produce necessary evidence apart from saying that they were innocent and they had not gone to the girls Hostel at all late at night. There was no evidence in that behalf. The Committee on a careful consideration of the material before them came to the conclusion that the three appellants and Upendra had taken part in the night raid on the girls Hostel. The report was confidentially sent to the Principal. The very reasons for which the girls were not examined in the presence of the appellants, prevailed on the authorities not to give a copy of the report to them. It would have been unwise to do so. Taking all the circumstances into account it is not possible to say that rules of natural justice had not been followed. In *Board of Education v. Rice* 1911 AC 179 Lord Loreburn laid down that in disposing of a question, which was the subject of an appeal to it, the Board of Education was under a duty to act in good faith, and to listen fairly to both sides, inasmuch as that was a duty which lay on everyone who decided anything. He did not think that the Board was bound to treat such a question as though it were a trial. The Board need not examine witnesses. It could, he thought, obtain information in any way it thought best, always giving a fair opportunity to those who were parties in the controversy to correct or contradict any relevant statement prejudicial to their view—More recently in *Russell v. Duke of Norfolk* 1949 1 All ER 109 at p. 118 Tucker, L.J. observed: "There are, in my view, no words which are of universal application to every kind of inquiry and every kind of domestic tribunal. The requirements of natural justice must depend on the circumstances of the case, the nature of the inquiry the rules under which the tribunal is acting, the subject-matter that is being dealt with, and so forth. Accordingly, I do not derive much assistance from the definitions of natural justice which have been from time to time used, but, whatever standard is adopted, one essential is that the person concerned should have a reasonable opportunity of presenting his case." More recently in *Byrne v. Kinematograph Renters Society Ltd.* 1958 2 All ER 579 Harman, J. observed "what, then, are the requirements of natural justice in a case of this kind? First, I think that the person accused should know the nature of the accusation made; secondly that he should be given an opportunity to state his case; and thirdly, of course, that the tribunal should act in good faith. I do not think that there really is anything more".

18. In the case of *Hira Nath Mishra and Others* (supra) the Supreme Court had reached a conclusion that the requirement of natural justice were fulfilled.

19. In the cases of sexual harassment, in our view, while conducting enquiry, no strait jacket formula can be applied and what has to be kept in mind is that the enquiry is conducted in good faith and after giving fair opportunity to both the

sides as in the facts of Hira Nath Mishra and Others (supra), a case which relate to a girl of a hostel, the parameters to be applied for and the safeguards would be completely different to a case, as the present case, where the victim also belongs to a disciplined force that is the Delhi Armed Police, Fourth Battalion.

20. After hearing the counsel for the parties, the writ petition is disposed of with the following directions :

"(i) The order of the Central Administrative Tribunal is set aside.

(ii) However enquiry before the Sexual Harassment Committee will begin from the stage of cross-examination of the witnesses.

(iii) The petitioner would be entitled to cross-examine all witnesses who were examined earlier by the Committee. Such cross-examination would be conducted through a female defence assistance of the petitioner's choice.

(iv) In case the petitioner choses not to avail the services of a female assistant, then he would submit a questionnaire giving questions he wishes the witnesses to answer, and the answers to such questions will be obtained by the Enquiry Committee. (See Para 20 of the judgment titled Avinash Mishra (Supra)."

21. We are informed that the petitioner has since superannuated, he has already attained the age of superannuation and retired in the year 2014. Mr. Gupta submits that the enquiry is likely to take some time and therefore without prejudice to the rights and contentions of the parties, since the petitioner has retired, his retirement benefits should be released to him. Counsel for the respondent opposes the same. We may, however, note that the petitioner had been awarded a punishment of Compulsory Retirement which was awarded to him by the respondent No. 1. Although this part of the punishment has been set aside by the Tribunal and we are now listing the matter before the Committee at the stage of cross-examination.

22. We are of the view that ends of justice would be met if without prejudice to the rights and contentions of both the parties and subject to final outcome of the enquiry, the petitioner is given whatever he would be entitled to, in case he is prematurely retired. The petitioner shall cooperate with the Enquiry Officer. The Committee will complete its proceedings within two months of receipt of this order. The writ petition is disposed of in above terms.

23. The petitioner will be entitled to lead defence evidence.

CMs.APPL 17599/2015 & 17600/2015

24. Applications stand disposed of in view of the order passed in the writ petition.