
(2013) 08 AHC CK 0199

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 38713 of 2012

Bhagwat Saran

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 26-08-2013

Acts Referred:

Citation : (2013) 9 ADJ 167 : (2013) 101 ALR 508 : (2014) 1 AWC 542

Hon'ble Judges : Sudhir Agarwal, J

Bench : Single Bench

Advocate : Anil Kumar Srivastava and Swarn Kumar Srivastava, for the Appellant;

Judgement

Sudhir Agarwal, J.—Heard Sri A.K. Srivastava, learned counsel for the petitioner and learned Standing Counsel for the respondents. The petitioner, Bhagwat Saran, was a Junior Engineer in U.P. Public Works Department (hereinafter referred to as the "UPPWD"). In 1991 he was working at Construction Division, UPPWD at Bansi. In respect to certain works which were measured and verified by him, the authorities found serious irregularities therein and consequently issued a charge sheet dated 13.3.2002 containing two charges. The aforesaid charges related to work done at Mehdawal-Bansi Road at kilometre 22 and Siswa-Bohli Road at kilometre 2.

2. The Chief Engineer, Gorakhpur was appointed as Inquiry Officer and the Executive Engineer, Construction Division, Bansi (District Siddharth Nagar) was nominated as Presenting Officer by Engineer-in-Chief, UPPWD vide order dated 28.2.2002. The inquiry could not conclude and in the meantime petitioner retired on attaining the age of superannuation on 31.12.2007. Since the inquiry could not be concluded till that date, and, the Inquiry Officer issued letter dated 23.7.2012 fixing 31.7.2012 as the next date for oral hearing, this writ petition has been filed, challenging the aforesaid notice of Inquiry Officer, on the ground, that, with such a delay, the inquiry is nothing but a sheer misuse of power and harassment of petitioner, therefore, it is liable to be quashed. It is also submitted

that a similar inquiry of this corresponding period was also delayed and on that ground it was challenged in Writ Petition No. 32930 of 2011, which has been allowed vide judgment dated 22.2.2012 and inquiry proceedings therein have been quashed. It is contended that the aforesaid judgment is squarely applicable to the case in hand also.

3. The respondents have filed a counter-affidavit stating that the inquiry could not be concluded due to non-cooperation by petitioner. Further since the petitioner retired during continuance of inquiry, the matter was referred for State Government for sanction under Regulation 351A of Civil Service Regulations (hereinafter referred to as the "CSR"). The said consent has been granted by State Government, vide order dated 29.9.2011, pursuant whereunto the inquiry has been continuing.

4. In the rejoinder-affidavit, the petitioner virtually has reiterated whatever has said in the writ petition.

5. In order to find out what actually happened in disciplinary proceedings and why the matter remained pending for such a long time, the respondents were directed to produce inquiry record before this Court which has been placed for Court's perusal.

6. The record show that certain complaints were received by State Government in respect of work performed by Sri Samarjeet Singh, the then Executive Engineer, Construction Division, PWD Bansi. A technical team was constituted to investigate the aforesaid complaint. The Chief Technical Examiner was assigned the responsibility of making aforesaid fact finding inquiry. The Executive Engineer concerned was directed to produce record by Chief Technical Examiner but he did not cooperate and ultimately a spot inspection was made between 17.12.1997 to 19.12.1997. The interesting thing is that in the meantime the concerned Executive Engineer, Sri Samarjeet Singh had already retired on 31.10.1997. Besides him two Assistant Engineers, who also assisted in the aforesaid work, namely, Sri R.B. Singh and Sri C.N. Tripathi, had also retired.

7. The Technical Examiner thereafter made attempts to collect relevant record but due to non-cooperation at all level, namely, Executive Engineer concerned, Superintending Engineer and Chief Engineer, could not get relevant documents. Based on the spot inspection as also whatever information he had, a report was submitted on 12.1.1998, by Sri Devendra Mohan, Technical Examiner, in which, on certain aspects, the Executive Engineer, Assistant Engineers and Junior Engineers were held responsible. He categorically held Sri Samarjeet Singh, the then Executive Engineer, Bansi as also the Superintending Engineer, Siddharth Nagar Circle, Basti responsible.

8. Thereupon, Dr. R.C. Pant, Special Secretary, U.P. Government, issued letter dated 1.6.1998 directing the Chief Engineer, PWD Gorakhpur to initiate disciplinary proceedings against Sri Samarjeet Singh, the then Executive Engineer, Sri Rajesh Kumar Singh, Sri Dharamdev Ram, Sri Banwari Lal, all

Assistant Engineers; and the petitioner-Bhagwat Sharan and Sri Yogendra Shukla, Junior Engineers. It was also pointed out that since the Executive Engineer had already retired, therefore, expeditious proceedings were desired by Government. It is this direction of expeditious proceedings which could not be executed by concerned superior officers till date, in as much as, the directions contained in letter dated 1.6.1998 were acted upon/initiated, executed in the context of petitioner, vide order dated 25.1.2002, whereby Engineer-in-Chief, UPPWD, Lucknow, appointed an Inquiry Officer, to hold inquiry against petitioner.

9. Thereafter a charge sheet was issued to petitioner on 26.3.2002. The petitioner did not reply to the charge sheet though he was supposed to furnish reply within fifteen days. The Inquiry Officer also sat at leisure and after seven months, sent first reminder letter on 2.1.2003, informing petitioner that he has not submitted reply in the last seven months, yet in compliance of principle of natural justice, one more opportunity is being afforded to him to submit reply, failing which proceedings shall be concluded on merits. Nothing happened and next reminder letter was issued on 18.8.2003.

10. Thereafter I find nothing on the record to show any further progress. In the meantime, petitioner retired on 31.12.2007.

11. Then the record contains an order of State Government dated 29.9.2011 giving sanction for continuance of disciplinary proceeding against petitioner, in purported exercise of power under Regulation 351A of CSR. After almost one year thereof, the Inquiry Officer issued letter dated 13.7.2012 for oral hearing. The minutes of proceedings dated 23.7.2012 are also on record showing that since petitioner did not appear before Inquiry Officer, the proceedings were adjourned to 31.7.2012. Again it was adjourned to 8.8.2012 and this date was communicated to petitioner by Executive Engineer, Construction Division Bansi's letter dated 4.8.2012.

12. There is one more important aspect evident from the minutes of proceedings held on 23.7.2012 and 31.7.2012 before Inquiry Officer wherein it is also mentioned that the documents relating to inquiry are not complete and this was also one of the reasons for adjournment of the proceedings. Then on 8.8.2012, Inquiry Officer observed that petitioner, did not participate in the proceedings, meaning thereby that he is not interested to defend himself. The Inquiry Officer then closed proceedings and submitted inquiry report dated 9.8.2012 to Engineer-in-Chief holding both the charges proved against petitioner.

13. The snail pace or virtually, no proceeding despite a fact finding report submitted to State Government as long back as on 12.1.1998 has yet to see a real action taken thereon vis-a-vis the erring officials. However, it has not been allowed to happen and that is how everybody is happy. Apparent collusion in the concerned departmental authorities working with hand in gloves is quite evident.

14. This case shows an unholy nexus amongst the officers at various levels in the department of UPPWD so as to work with a common intention and objective that

firstly whatever irregularities committed, should remain under carpet; if complained, the same must remain unattended; if attended, no fact finding inquiry be allowed to be initiated, conducted or completed, as the case may be; by non-cooperation in supplying record etc. and, if thing still goes wrong upto this stage, then the regular inquiry which has to be conducted intra-departmentally, by any officer of the department, shall be ensured to remain un-concluded, incomplete and with the passage of time let everything go die of its own death. Various officials in the department function, in a unionism, in the matter of shielding each other, from getting punished for their misdeeds, is something, which, one should appreciate as a rare example of concerted effort and brotherhood. Time is a big healer, appears to be one of the motto followed by officers in UPPWD working at different hierarchical level. Their system of sweeping everything under the carpet and thereafter forget, is so fool-proof, that even the best intention of a public spirited Government, its investigating agency, finds difficult to peep in or to crack.

15. The deficiency in the standard, specifications etc. in public work grooves in misfeasance and defalcation of public funds. It is one of the commonest ways of syphoning of huge amount from public exchequer for the benefit of individual and selective group of individuals. In the department, like Public Works, this case apparently shows that officials work with common understanding and tuning. It is not directly something to constitute corruption by giving and taking bribe but it is a system of syphoning of public funds in the garb of execution of public work.

16. Great Scholar Kautilya has mentioned in his Arthashastra, existence of 40 types of corruption in his contemporary society. I find that the attention engaged of this Court in the present case is towards one of such type of corruption. It is no doubt true that roots of corruption are deep rooted, quite ancient in its genesis. It was extended and practised with Sultanat and Mughal period, reached new height during the reign of East India Company and after independence, now everyday it is showing a new record.

17. The corruption implies perversion of morality, integrity, character or duty out of mercenary motives, i.e., self benefit in the form of illegal gains, without any regard to honour, right and justice. One who practices corruption, deprives the genuinely deserving one from his right and privilege. The various kinds of corruption includes shirking from ones duty, dereliction of duty, wastage of public property, pilferage of public property, dishonesty, exploitation, malpractices etc. It is rampant now in every segment and section of society and one finds higher in hierarchy, larger the volume thereof. It has reached a situation where we boast of India, as a rich developing country with poor and maximum number of under nourished people. Bureaucratic corruption is a pain which common people face everyday. We find a kind of laissez faire state where the high and mighty are out to loot the system.

18. The gravamen of complaint on the part of petitioner is the alleged gradual corrosion of social reputation, deprivation of respectable livelihood because of

pendency of proceedings by department. It is in this context an issue has been raised that extraordinary delay justifies quashing of entire proceedings. The argument is something akin to that where prolonged trial was challenged on the ground that delay has resulted in violation of right of speedy trial and has impaired fundamental right enshrined under Article 21 of the Constitution. This right of the petitioner has to be considered in the light of corresponding social obligations, the way he has performed his public duties, and whether there is a collective attempt to befool the public at large by getting closure order of a serious public defalcation.

19. Initially in Abdul Rehman Antulay Vs. R.S. Nayak and another etc. etc., , the Court while recognising right of speedy trial of accused culled out eleven propositions meant to sub-serve as guidelines to find out whether there is denial of right to speedy trial or not. The Court observed that concept of speedy trial is necessarily relative in nature. In some subsequent authorities, the Apex Court tried to fix period but then the matter was again referred for consideration by a Larger Bench of seven Judges in P. Ramachandra Rao Vs. State of Karnataka, and, analysing the dictum, laid down in Kartar Singh Vs. State of Punjab, , the two Constitution Bench decisions, the Larger Bench again laid down certain principles to be looked into whenever an issue of right of speedy trial is raised but the time limits or bar of limitation prescribed in the name of right of speedy trial in certain earlier decisions, namely, Common Cause A Registered Society through its Director Vs. Union of India (UOI) and Others, ; "Common Cause", Common Cause, A Registered Society Through its Director Vs. Union of India and others, ; Raj Deo Sharma Vs. The State of Bihar, ; and, Raj Deo Sharma Vs. The State of Bihar, , was held not a good law.

20. I am not identifying the principles laid down in the context of right of speedy trial in a criminal case so as to apply as such in a departmental inquiry but the broader principles will have its import to consider a similar question when raised in the context of departmental inquiry. One aspect is where a charged officer by his conduct delay the proceedings, and related aspects include where the persons involved are several with different hierarchy and thus a collective attempt is made with active support of responsible inquiring authorities so as not to allow the proceedings, either to commence or to progress and in any case to complete expeditiously or within a reasonable time, giving an occasion to complain to the charged officer, and, thereafter, to assail the entire proceedings, on the ground of delay or extraordinary laches.

21. Here the faith of people in the system of governance comes at stake. The collective faith in the institution is the foundation of system of good governance. If corruptions are allowed to continue by giving allowance to quash proceedings merely on the ground of delay, without scrutinizing other relevant factors, a time may come when the unscrupulous people would foster and garner the tendency to pave the path of anarchism, by firstly managing delay in proceedings and thereafter assail the same on this very ground. The situation would become

grave where wrong doers have the sympathy of inquiring authorities with their active connivance. It is like a case where the departmental authorities responsible to detect illegalities and punish the guilty person, themselves are supporting them. It is a serious kind of corruption more aptly termed as "institutional corruption". It cannot be doubted that corruption mothers disorder and destroys societal will to progress. It paralyses the economic health of a country, corrodes the sense of civility and mars the marrows of governance.

22. What I have observed above is writ large from the analysis of facts noticed above. Large scale irregularities and misdeeds in the construction of roads committed as long back as in 1991 have not been allowed to result in punishment of anyone. This itself is a fact which must shock anybody's conscience in an honest civilized society. However, it does not bother the officials in respondent-department and the wrong doers including petitioner also. They get advantage firstly on account of their own non-cooperation; secondly intentional and deliberate support extended by superior officers; and thirdly, a further higher level protection shield available to superior officers. The level of misdeeds and expertise to do away with any kind of inquiry etc. in the officialdom of respondents is something remarkable. In the Indian competitive market of corruption, it must be on the front-line. Nowadays individual corruption has been surpassed by concerted and coordinate institutional corruption. Its depth and height has gone beyond one's imagination.

23. Paper formalities, here and there, once in an year, as and when somebody reminds, casual reminders, are the only steps which have been taken in the matter, like present one, in the name of so called due opportunity, to officials like petitioner to facilitate a judicial relief on the ground of alleged undue delay, harassment, loss of evidence etc. which normally finds favour in a Court of Law, if original record dealing with matter, is not available/made available for perusal of Court. The cases are normally decided on exchange of pleadings which many a times contain selective and collusive record, allowing the Court to form only one opinion, i.e., close the case. It gives sigh of relief to everyone. The wrong doers go unpunished. The superior departmental officials stand relieved from being charged of failure of supervisory duties etc. The Court thus unknowingly provides its shoulder to a friendly but fixed match.

24. This situation really has caused a great pain to this Court. Not that a wrong doer is able to escape punishment from clutches of law, taking advantage of procedural loopholes in the system of dispensation of justice, but that, in the ultimate, it is the rule of law which suffers. It goes without saying that in the ultimate it is the sovereignty of country, i.e., the people of India, who suffers. A system committing these irregularities has prevailed and has shown the ways, how it continued unabated. And, at the end, everybody feels happy.

25. I find from record that except issuance of a charge sheet, as long back as in March, 2002, the inquiry did not progress nor proceeded by concerned Inquiry Officer, in the next more than five years. Instead, it allowed the petitioner to

retire at the end of December, 2007, keeping inquiry a non-start. Moreover, there is no justification available, why State took almost four years in granting consent for continuance of inquiry, to be precise three years and more than eight months. Even thereafter, the Inquiry Officer took thirteen months in issuing first letter to petitioner communicating the date of oral inquiry. If all these facts do not show a deliberate intentional deferment of actual inquiry so as to create a situation, obviously to help the petitioner, easing remedy in law, on the ground of undue delay, inaction etc. then what else it is. There is no hesitation for this Court in holding that officials of respondent-department have failed in their duty to perform it with due diligence, devotion and integrity. This attitude cannot be without any reason.

26. Sometimes the people have to indulge in satisfying the public authorities for performance of their duties and obligations otherwise nothing moves. On other occasions the corrupt practices prevail for not doing a duty or obligation. The apparent activities resulting in corruption is difficult to unearth since the giver and taker, both are engaged in a deal of private elements which normally is executed in secrecy. The onerous duty lie upon the Court to identify such crude attempts and not to fall prey by allowing a miscreant to celebrate victory of his misdeeds on the shoulder of institution of justice. If the Court fails to separate such cases, it is bound to shake public confidence in the administration of justice. The Court must find out the real intention of party and whether it is being used as a cloak as that would be abuse of process of law. The Court must ensure that truth triumphs in the administration of justice. Truth is the foundation of justice and must prevail. No stone should left unturned in achieving this goal. Commenting upon corruption, this Court in Smt. Mithilesh Kumari Vs. State of U.P. and Others, , observed:

54. Corruption is a term known to all of us. Precise meaning is illegal, immoral or unauthorised act done in due course of employment but literally it means "inducement (as of a public official) by improper means (as bribery) to violate duty (as by committing a felony)." It is an specially pernicious form of discrimination. Apparently its purpose is to seek favourable, privileged treatment from those who are in authority. No one would indulge in corruption at all if those who are in authority, discharge their service by treating all equally.

55. We can look into it from another angle. Corruption also violates human rights. It discriminates against the poor by denying them access to public services and preventing from exercising their political rights on account of their incapability of indulging in corruption, of course on account of poverty and other similar related factors. Corruption is, therefore, divisive and makes a significant contribution to social inequality and conflict. It undermines respect for authority and increases cynicism. It discourages participation of individuals in civilised society and elevates self interest as a guide to conduct. In social terms we can say that corruption develops a range bound field of behaviour, attitude and beliefs. Corruption is antithesis of good governance and democratic politics. It is

said, that when corruption is pervasive, it permeates every aspect of people's lives. It can affect the air they breathe, the water they drink and the food they eat. If we go further, we can give some terminology also to different shades of corruption like, financial corruption, cultural corruption, moral corruption, ideological corruption etc. The fact remains that from whatever angle we look into it, the ultimate result borne out is that, and the real impact of corruption is, the poor suffers most, the poverty groves darker, and rich become richer.

27. In the above case the Court also smell an attempt on the part of superior officers to benefit a wrong doer under the cover of judicial order and this attempt was seriously deprecated as is borne out from what has been said in paras 56, 57 and 58 of the judgment, which reads as under:

56. In the case in hand, it may not be necessary for this Court to go in the concept of corruption a bit more deep but I find that here is a case where a senior officer of the Government, in the rank of Director, indulged himself in a sheer illegal act but giving it a colour of compliance of this Court's order and that is how has also tried to overlook a complete defiance on the part of a petty employee, i.e., a staff nurse, who could dare to disobey and defy order of a much superior officer, i.e., Chief Medical Officer and remain absent for almost two years. He has also tried to give an occasion to such a defying employee to claim condonation of such defiance and reward with all benefits without any loss. This would result ultimately a loss to public exchequer also inasmuch as a non-worker, if paid salary for such a long time for her/his sheer audacity of remaining absent, it would also amount to a breach of trust with public revenue to which every public servant owe a duty and responsibility. In P.K. Chinnasamy Vs. Government of Tamil Nadu and Others, , the Apex Court said that every public servant holds the office in trust to the public and, therefore, to justify expenditure of public revenue, duties commensurating to the office must be allowed to be discharged by every public servant. Admittedly, that has not happened in this case. The petitioner has failed to perform her duty without any authority on her part. From the point of view of petitioner or some public servant, it could have been a small matter, but this Court has no hesitation in putting on record that omission of small level of corruption ultimately grow cancerously. This country has now reached a stage where we find level of corruption running in several thousand of crores and going to even lacs of crores. Everyone wherever is possible, indulging in such activities depending on one's capacity, capability and opportunity. This Court do not mean to say that all are corrupt. Fortunately that is not so. Still we have sufficiently large number of people who do not indulge in such activities and bold enough to discard any attempt, if made by someone, but those who want to take advantage of such widespread corruption, have now become so fearless that they can dare to approach and go to any extent to lure those who are in authority, to seek favour in one or the other manner. In their belief, everyone has some price, degree may defer. Fortunately, this country still have sufficiently large number of people who are beyond such vice. Probably it is for this reason we are still marching ahead

and developing with galloping pace but now time has come when stern steps have to be taken with determination and cementised will to nip out corruption at every level, lest it may be too late.

57. I do not intend to indulge in further discussion on this aspect since it needs be debated, at different forum, so as to enlighten the people, and to pursue them to stand against and to arm them so as to route it out. This Court is well aware that in this process, the prime responsibility lie on the executive. But in particular it is now of paramount importance that the judiciary must also take this task upon itself. The cases involving corruption must be dealt with extraordinary pace. It must ensure that those indulged in corruption are prosecuted and punished at the earliest and within a reasonable time. The judiciary should not show any leniency on corruption and corrupt people whether small or larger, one. A message must go that corruption at all cost shall result in severe and deterrent punishment. The booty, loot or benefit one has earned by indulging in corruption, must be forfeited so that it may become a part of public revenue, and may be utilised for public benefit, instead of allowing it to remain with the corrupt beneficiary, otherwise, the effectiveness of deterrence shall stand lessened. The law enforcement machinery, i.e., investigators must probe such matters independently, without any interference and should ensure completion of investigation within record time. Everyone who abate, who allow to perpetuate by inaction, encourage it and similarly all other persons connected in one or other way be dealt with in the same manner as if the corrupt person and should be punished severely but with a pace so that the others may learn lesson and continue in their memory. It be not allowed to be eroded with passage of time. All this require determination and will, at different level and needs to be looked into with real sincerity since time has ripened now.

58. Coming to the case in hand one may say that apparent act of corruption is not evident but the manner in which the authority has proceeded and the things have come on record and the parties have taken shelter to a judicial order, tell much. In this background I am clearly of the view that here is a case where the petitioner is disentitled for payment of salary for the period she remain absent unauthorisedly and without any authority. Cancellation of order of transfer, at the best, even if it is taken to be a *fait accompli* may operate prospectively. For past more than two years, the petitioner did not perform any duty and remained absent. I do not find any justification to direct the authorities to pay salary merely because almost after two and half years, the transfer order was cancelled and that too in a clandestine manner. It is not a case where the petitioner's deliberate and intentional absence can be condoned. The then Director (Medical Care) has clearly acted in an illegal manner.

28. Having said enough on this aspect and on the conduct of the petitioner and respondent-officials, now the question immediately crops up, "is it a fit case where proceedings against petitioner deserved to be quashed merely on the ground of delay and laches, applying the dictum laid down in *The State of*

Madhya Pradesh Vs. Bani Singh and another, , or the matter need be dealt with in some other manner".

29. The question, whether departmental proceedings should be quashed only on the ground of delay has been considered in number of authorities subsequently.

30. There is no principle of law that an inquiry would stand vitiated merely for the reason that it has been initiated after a long time. On the contrary, whether delay in initiating inquiry would be fatal or not would depend on various facts and circumstances. Dealing this question and considering Bani Singh (Supra), the Apex Court in State of Punjab and Others Vs. Chaman Lal Goyal, , declined to set aside disciplinary proceeding initiated after a long time, and, said:

9. Now remains the question of delay. There is undoubtedly a delay of five and half years in serving the charges. The question is whether the said delay warranted the quashing of charges in this case. It is trite to say that such disciplinary proceeding must be conducted soon after the irregularities are committed or soon after discovering the irregularities. They cannot be initiated after lapse of considerable time. It would not be fair to the delinquent officer. Such delay also makes the task of proving the charges difficult and is thus not also in the interest of administration. Delayed initiation of proceedings is bound to give room for allegations of bias, mala fides and misuse of power. If the delay is too long and is unexplained the Court may well interfere and quash the charges. But how long a delay is too long always depends upon the facts of the given case. Moreover, if such delay is likely to cause prejudice to the delinquent officer in defending himself, the enquiry has to be interdicted. Wherever such a plea is raised, the Court has to weigh the factors appearing for and against the said plea and take a decision on the totality of circumstances. In other words, the Court has to indulge in a process of balancing.

31. In Additional Superintendent of Police v. T. Natrajan, 1999 SCC (L & S) 646, Apex Court held as under:

It is settled law that some delay in initiating proceedings would not vitiate the enquiry unless the delay results in prejudice to the delinquent officer.

32. The same view was reiterated in P.D. Agrawal Vs. State Bank of India and Others, .

33. A Division Bench (in which I was also a Member) in Writ Petition No. 6095 (S/ S) of 1996 (State of U.P. and another v. S.P. Singh Pundhir and another) 2007 (8) ADJ 699 (DB) (LB), considering the aforesaid judgments of the Apex Court, has also held as under:

There is no hard and fast rule that disciplinary proceedings initiated after a long time would be per se improper or illegal merely for the reason that it has been initiated after long lapse of time but it depends upon the facts and circumstances of that case. For example, if the delinquent employee could show that after long lapse of time he has lost evidence or has no capacity to defend himself due to

loss of memory etc. then indulgence can be granted on this ground but mere delay in the proceedings cannot vitiate the same.

34. Besides, in the instant case, the conduct of various officials in respondent's department reflects upon their active connivance with all the wrong doers including petitioner and now a time has come when their conduct also need be investigated by Vigilance Department of U.P. Government but not in the same slow pace as has been done in the present case. Whenever the investigation or inquiry is made, time is always the essence. Delay in investigation would definitely help wrong doers. If the investigating agency is causing delay, unless shown otherwise, one can safely draw an inference that investigating agency is actually helping the wrong doers to absolve or to mitigate charges against him, so as to ultimately generating a ground to recommend a closure, observing wrong done to be a petty matter.

35. The discussion made above would leave no hesitation to this Court in declining to interfere with the pending disciplinary proceedings against petitioner merely on the ground of delay.

36. However, here is a fit case where respondents-authorities are directed to conclude disciplinary proceedings against petitioner in accordance with law giving due opportunity of hearing, expeditiously, and in any case within a period of four months from the date of production of a certified copy of this order before competent authority.

37. It is also made clear that competent authority shall ensure that proceedings are conducted and concluded in strict compliance of principle of natural justice and if any authority tries to finish up or liquidate the matter merely to satisfy Court's direction about expeditious conclusion of proceedings, unmindful of the fact that his action is whether consistent with required principles to be followed in a departmental inquiry, such officials will obviously be held as if helping the charged official directly or indirectly. There should be no bias with any officer in the proceedings, but simultaneously, there should be a will and zeal to hold a honest and correct proceedings so as to find out the truth and the persons, if any, found guilty, face appropriate consequences.

38. Besides above the Chief Secretary, U.P. Government is directed to make an appropriate vigilance inquiry against responsible superior investigating and disciplinary authorities in the present matter whose action/inaction in the matter like present one has helped various officers, found prima facie guilty of certain serious financial irregularities/illegalities, but escaping their responsibility or punishment due to mere delay. Such vigilance inquiry shall be conducted with due expediency and progress report shall be submitted for perusal of this Court after four months.

39. This matter shall be listed on 6.1.2014 only for the purpose of perusal of progress report, as directed above. In all other respects, subject to directions and observations made above, this writ petition is dismissed. No costs.