

(2008) 06 AP CK 0087

In the Andhra Pradesh High Court

Case No : Writ Petition No. 21166 of 2007

Prof. M. Vivekananda Murthy

APPELLANT

Vs

Government of Andhra Pradesh and Others

RESPONDENT

Date of Decision : 10-06-2008

Acts Referred:

Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 — Rule 1, 20, 3, 5, 6
Bar Councils Act, 1926 — Section 10(2)
Civil Procedure Code, 1908 (CPC) — Section 99
Criminal Procedure Code, 1973 (CrPC) — Section 145, 465, 465(1)
Employees Disciplinary Regulations — Regulation 10(2)

Citation : (2008) 5 ALD 427 : (2008) 5 ALT 663

Hon'ble Judges : L. Narasimha Reddy, J

Bench : Single Bench

Advocate : N. Vidya Prasad, for the Appellant; Government Pleader for Education for Respondent No. 1 and M.V. Rajaram, SC for Andhra University for Respondent Nos. 2 to 5, for the Respondent

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J.—The petitioner was appointed as Lecturer in the Andhra University, in the Department of Statistics, in the year 1985. He earned superior positions of, Associate Professor, in the year 1990, and of Professor, in the year 1998.

2. The Ministry of Health and Family Welfare, Government of India, established Population Research Center (PRC) in the Andhra University, in the year 1987. The Vice-Chancellor of the University appointed the petitioner as the Honourary Director of the PRC. After about eight years, the petitioner was replaced by the 3rd respondent as Honourary Director, vide proceedings dated 14.9.2005.

3. The Executive Council of the University passed a resolution dated 16.12.2005, to appoint an inquiry officer, to examine the various allegations made against the petitioner in relation to his functioning as Honourary Director. Consequential

proceedings were issued by the Vice-Chancellor, on 21.2.2006, and a retired Judge of this Court was appointed as an Inquiry Officer on 10.2.2006. The inquiry officer issued proceedings dated 23.3.2006, framing charges and stating the background facts. The petitioner submitted his explanation on 12.6.2006. The inquiry officer submitted a report on 1.3.2007. The same was placed before the Executive Council, which in turn, passed a resolution dated 9.3.2007, issuing notice to the petitioner as to why suitable disciplinary action shall not be taken against him. The petitioner submitted his explanation. On a consideration of the same, the University issued proceedings dated 9.4.2007, dismissing the petitioner from service.

4. Initially, the petitioner approached this Court by filing WP No. 9137 of 2007, challenging the order of dismissal. Taking note of the fact that there is a remedy of appeal to the Chancellor, this Court disposed of the writ petition, leaving it open to the petitioner to avail the remedy of appeal. The appeal was rejected and the same was communicated to the petitioner, vide letter dated 10.9.2007, addressed by the 1st respondent. Hence, this writ petition.

5. The petitioner had raised several grounds in his challenge, to the order of dismissal. They range from the legality of the framing of charges by the Inquiry Officer, to the correctness of the findings recorded against him. It is also his case that neither the University nor the appellate authority have examined the matter objectively.

6. The University filed a detailed counter-affidavit. It is stated that the petitioner did not raise any objection as to the framing of charges by the Inquiry Officer in the disciplinary proceedings, and he cannot be permitted to raise the same at this stage. Reference is made to the content of various charges, as well as the findings thereon. It is ultimately pleaded that the order of dismissal does not suffer from any legal or factual infirmity.

7. Sri P.V.S.S. Acharyulu, learned Counsel for the petitioner submits that, be it, under the relevant Service Regulations of the University, or the general principles of Service Law, the necessity to appoint an Inquiry Officer would arise, only when the Appointing Authority issues a show-cause notice and on a consideration of reply submitted by the delinquent employee, it decides to proceed with the matter, by conducting a departmental inquiry. He submits that appointment of an Inquiry Officer at the threshold, and empowering him to frame the charges is opposed to settled principles of law. He advanced extensive arguments, in relation to the proceedings before the Inquiry Officer, and submits that the petitioner was not given a fair opportunity. Learned Counsel further submits that the Inquiry Officer recorded findings on the basis of assumptions and guess work, and in that view of the matter, the order of dismissal passed against the petitioner is liable to be set aside.

8. Sri M.V. Raja Ram, learned Standing Counsel for the Andhra University, on the other hand, submits that the Service Conditions of the employees are governed

by the relevant provisions in the Administration Manual, which came into force from 1.4.2006, and that there is no prohibition in it, against framing of charges by the Inquiry Officer. He contends that even assuming that the charges ought not to have been framed by the Inquiry Officer, the petitioner did not raise any objection during the departmental inquiry, and thereby, he has waived his right in this regard. He submits that the petitioner is estopped from taking the plea of incompetence, on the part of the Inquiry Officer, to frame charges. Learned Counsel points out that the departmental inquiry was extensive and elaborative, wherein 21 witnesses were examined, and voluminous documentary evidence was taken on record.

9. From the contentions urged on behalf of the respective parties, the following questions arise, for consideration in this writ petition:

(1) Whether, it was competent for the University to straightaway appoint an inquiry officer, and to empower him to frame charges against the petitioner?

(2) Whether the petitioner has waived his right to object to the framing of charges by the inquiry officer? and

(3) Whether the order of dismissal suffers from any procedural or substantive infirmities?

10. Appointment of an Inquiry Officer is an integral part of the disciplinary proceedings, initiated against employees of the State or its Agencies, or private establishments. A major penalty can be imposed against an employee, only after conducting departmental or domestic inquiry. Where disciplinary authority himself proposes to conduct inquiry, it would not be necessary to appoint an individual, as an Inquiry Officer. The stage, at which, an inquiry officer is to be appointed, would depend to a large extent upon the purport of the provisions of law, that govern the service conditions of employees in an organization.

11. Disciplinary proceedings against an employee commence with the service of a charge memo. The necessity to conduct the inquiry would arise, if only the explanation that is offered by the employee is found not satisfactory. In Ch. Appala Reddy Vs. Eastern Power Distribution Company of A.P. Ltd. and Others, , a Division Bench of this Court, of which I am a party; observed as under:

Para 6 : In any disciplinary proceedings, the necessity to appoint an Enquiry Officer arises only when the appointing authority points out certain acts of indiscipline on the part of the delinquent employee and the explanation offered by the employee is not satisfactory. On the other hand, where the explanation is found to be satisfactory, the necessity to proceed further does not arise or remain. In V.K. Khanna's case AIR 2001 SC 343, the Supreme Court reiterated this position of law and held that appointment of an Enquiry Officer even before a show-cause notice or charge-sheet is served upon an employee is unknown to service jurisprudence. It was further observed that in such an event, an element of bias exists vis-a-vis the Enquiry Officer.

Para 7 : The appointing authority would be in a position to apply his mind to the facts of the case only when he calls upon an employee to explain as to the acts of misconduct, noticed by him. Depending on his satisfaction, on consideration of the explanation, he may have to choose either to proceed further or to drop the proceedings. Even in a case, where he proposes to proceed further, but his inclination is only to impose a minor penalty, the necessity to appoint an Enquiry Officer may not arise. Conversely, the need to appoint an Enquiry Officer would arise if only the appointing authority is not satisfied with the explanation offered by the employee and that he proposes to inflict a major penalty.

12. The relevant provision, namely, Regulation 10(2) A of the Employees Disciplinary Regulations, framed by the respondent therein ordained that the Disciplinary Authority shall appoint an Inquiry Officer only when it is proposed to impose major penalty. This obviously must precede of a charge-sheet by the Disciplinary Authority and a reply by the delinquent employee. Similar view was taken by the Full Bench of this Court in *Government of A.P. and Others Vs. M.A. Majeed and Another*, , in relation to the proceedings that were governed by the A.P. Civil Services (Classification, Control and Appeal) Rules, 1991. Rule 20 thereof provides for similar course of action. Where, however, the Regulations themselves empower the Inquiry Officer to issue a charge-sheet, the general principle referred to above, has to give way.

13. Reverting to the facts of this case, the Service Conditions of the employees of the University are governed by the Administration Manual. Chapter 12 thereof deals with "penalties and appeals". In Rule 1 of this Chapter, the types of penalties, ranging from censure to dismissal from service, are enlisted. Rule 3 enlists the authorities, that can impose the penalties on various categories of employees. Rule 5 prescribes the procedure to be followed before any minor penalty is imposed. It provides for the imposition of such penalty, by issuing a show-cause notice, obviating the necessity to conduct the departmental inquiry. Rule 6 deals with the cases, in which major penalties are to be imposed. Though it is not succinctly worded and elaborated in its text, the purport thereof is not difficult to understand. It is felt necessary to extract the same for better appreciation of the issue :

Rule (6) :

(a) Enquiry relating to any disciplinary action may be made by the Vice-Chancellor or the Discipline Committee of the Executive Council as circumstances require, or by such other Officer of Special Committee appointed for the purpose, provided that in cases of lapses for which the Registrar or any other Officer of the University or the Head of a Department or Office is directly or indirectly responsible, the Vice-Chancellor shall appoint a committee to hold an enquiry and fix liability.

(b) No order of dismissal, removal, compulsory retirement or reduction shall be imposed on an employee of the University (other than an order based on facts

which have led to his conviction in a Criminal Court), unless he has been informed in writing of the grounds in which it is proposed to take action, and has been afforded an adequate opportunity of defending himself. The grounds on which it is proposed to take action shall be reduced to the form of a definite charge or charges, which shall be communicated to the person charged together with a statement of the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders in the case. He shall be required, within a reasonable time to put in a written statement of his defence and to state whether he desires an oral enquiry or only to be heard in person. If he desires an oral enquiry or if the authority concerned so directs, an oral enquiry shall be held. At that enquiry oral evidence shall be heard as to such of the allegations as are not admitted, and the person charged shall be entitled to cross-examine the witness, to give evidence in person and to examine such witnesses as he may produce. Provided that the authority conducting the enquiry may, for special and sufficient reasons to be recorded in writing refuse to examine a witness. If no oral enquiry is held and if he had desired to be heard in person, a personal hearing shall be given to him. The proceedings shall contain a sufficient record of the evidence and a statement of the findings and the grounds thereof.

(c) The requirements of Sub-rule (b) shall not apply where the person concerned has absconded, or where it is for other reasons impracticable to communicate with him.

(d) All or any of the provisions of Sub-rule (b) may, in exceptional cases, for special and sufficient reasons to be recorded in writing be waived where there is a difficulty in observing exactly the requirements of the sub-rule and those requirements can be waived without injustice to the person charged.

(e) Where the officer of committee holding the enquiry is not competent to award a penalty, his duty ends with the recording of his or its findings on the charges and it is no part of his or its function to make any suggestion regarding the penalty to be awarded or the further disposal of the case.

(f) Any member of the University service may be placed under suspension from service by the Vice-Chancellor pending enquiry into grave charges, where such suspension is deemed by him to be necessary in the interests of the University. The period of suspension from office and the emoluments thereof either in whole or in part shall not in the case of teachers exceed one year where suspension is imposed as a punishment under Rule 1(vi).

14. Clause (a) of Rule 6 is general in nature. Clause (b) deals with the actual procedure. From a perusal thereof, it becomes clear that the occasion to appoint an inquiry officer arises only when the employee concerned desires an oral inquiry, or the disciplinary authority himself directs such an inquiry. The procedure to be followed in the course of the departmental inquiry is also indicated. The dichotomy maintained between the disciplinary authority, on the

one hand, and the inquiring authority on the other, is clearly evident from Clause (e).

15. A combined reading of the above provisions indicates that an inquiry officer can be appointed only after an explanation is received from an employee to the charge-sheet. The grounds on which the action is proposed are required to be "reduced to the form of a definite charges by the disciplinary authority and the function of the inquiry officer is only to record findings as to the proof or otherwise of the charges.

16. In this case, the Executive Council of the University had straightaway appointed the Inquiry Officer and it was not preceded by issuance of charge memo, as contemplated under Rule 6(b), much less, an explanation from the petitioner. In addition to that, the charge memo was issued by the inquiry officer himself. Therefore, the course of action adopted by the University is contrary to Rule 6 of Andhra University Administration Manual. Consequently, the first question needs to be answered in favour of the petitioner.

17. Coming to the second question, framed above, it may be noted that on receipt of the charge memo from the Inquiry Officer, the petitioner submitted an elaborate explanation, running into 56 closely printed pages. Nowhere in the detailed explanation, the petitioner raised any objection about the legality of the charge memo issued by the inquiry officer. In his report, the inquiry officer held that the charges framed against the petitioner are proved. Accepting the findings, recorded by the inquiry officer, the University issued a show-cause notice. The petitioner submitted explanation on 1.3.2007. Here again, the petitioner did not take any exception to the framing of charges by the inquiry officer. For the first time, an objection in this regard is raised in this writ petition. In the affidavit, which runs into 24 printed pages, the petitioner devoted only one sentence, for this objection, which reads as under:

I submit that the Inquiry Officer has no power to frame charges under law and it is for the disciplinary authority to frame charges.

18. Since it is a plea based on legal principles, it may not be necessary that it must be elaborated with reference to attendant facts. The petitioner is correct in his submission that the inquiry officer has no power to frame charges. The matter however does not end there. He has to overcome two hurdles, before he can insist on invalidation of the entire proceedings on the basis of the said plea: The first is that he must successfully resist the plea of waiver, raised by the University, and the second is that he must independently, plead and prove the prejudice, if any, which, he suffered on account of the framing of charges, by the inquiry officer.

19. In any transaction, between two parties, whenever one of them deviates from the course, either the one agreed to or the one, prescribed by law, the other party would be under obligation to express his reservation about such deviation and raise an objection at the earliest possible time. In the absence of

such a demur, the party which is pursuing a particular course of action, would naturally be under the impression that he is proceeding on correct lines, and many a time, may bring about conditions which may otherwise, be detrimental to his interests. Sometimes, even the other party may derive some benefit out of such deviation. These developments are certainly capable of being prevented through an intervention at the right point of time.

20. The principle of waiver mandates that, a party which is entitled in law, to raise an objection, as regards the conduct of another party, cannot raise the same at a later point of time, having permitted the other party to proceed, in derogation of the agreed or known course of action. In other words, a party cannot permit his opponent, to proceed in a particular manner, try to derive benefit out of it, and thereafter, raise an objection ultimately when the result turns out to be otherwise. The principle of waiver springs from the inaction of a party in the matter of raising an objection for any deviation of his opponent.

21. It is true that the principle of waiver cannot be pressed into service, for every deviation. Much would depend upon the law governing the situation, as well as the nature of deviation. Distinction between fundamental or public rights on the one hand, and purely contractual matters, on the other hand, is noteworthy. No citizen can waive his fundamental rights, nor the derogation of a public law can be condoned on the touchstone of waiver. The measures which are framed for the benefit of concerned individuals, however, stand on a different footing. Waiver can be express in its terms, or it can be gathered by necessary implication.

22. The failure of party to raise an objection about the deviation from any procedural or substantive norms at the relevant point of time leading to waiver was discussed by the Supreme Court in *Manak Lal Vs. Dr. Prem Chand*, . The subject-matter of the judgment was the proceedings initiated against an Advocate, u/s 10(2) of the Bar Councils Act. A Tribunal was constituted by the High Court of Rajasthan, to inquire into the complaint. Of the three members of the Tribunal, one was said to have entered appearance on behalf of the complainant in the proceedings u/s 145 of Cr.P.C. The proceedings, through which punishment was imposed on the appellant therein, were assailed, mainly on the ground that the constitution of the Tribunal was not proper. The record disclosed that no objection was raised before the Tribunal, and for the first time, it was raised before the High Court. Repelling the contention of the appellant, the Supreme Court held as under:

...In substance, the contention is that though the appellant knew that Shri Chhangani had appeared for Dr. Prem Chand in the criminal proceedings in question, he was not aware that in consequence, Shri Chhangani was disqualified to act as a member of the Tribunal.... From a purely commonsense point of view of a layman, the position was patently awkward, and so, the argument that the appellant was not conscious of his legal rights in this matter appears to us to be an afterthought. Since, the appellant was driven to adopt this untenable position

before the High Court is seeking to raise this point for the first time at that stage, we are not surprised that the High Court took the view that the plea had been taken late in order to gain time and to secure a fresh enquiry in the matter. Since we have no doubt that the appellant knows the material facts and must be deemed to have been conscious of his legal rights in that matter, his failure to take the present plea at the earlier stage of the proceedings creates an effective bar of waiver against him. It seems clear that the appellant wanted to take a chance to secure a favourable report from the Tribunal, which was constituted and when he found that he was confronted with an unfavourable report, he adopted the device of raising the present technical point.

23. The said principle squarely gets attracted to the facts of the case. It has already been pointed out that the petitioner did not raise any objection, about the issuance of charge-sheet by the Enquiry Officer, at any stage, and the objection was raised for the time, in the writ petition, and that too, in a scanty manner. Strictly speaking, with the application of the said principle, the answer to the second question must clearly emerge against the petitioner. However, certain other aspects also need to be dealt with.

24. Apart from the distinction between fundamental and public law principles, on the one hand, and those evolved exclusively for the benefit of the individual, on the other hand, a further distinction in relation to application of principle of Waiver exists. It is the one between substantive and procedural requirements. This category of distinction is predominant in service matters. In *State Bank of Patiala and others Vs. S.K. Sharma*, , the Supreme Court had undertaken extensive discussion on the principles governing the field. It was pointed out that while there cannot be any waiver of the principles and requirements, which are substantive in nature, the procedural requirements are capable of being waived. The principle of substantial compliance was also held applicable. It was pointed out that mere non-compliance with any requirement by itself, does not vitiate the proceedings, and that; the theory of prejudice, explained by the Supreme Court in *Managing Director, ECIL, Hyderabad, Vs. Karunakar, etc. etc.*, , would apply. In Paragraph 33 of the said judgment, the Supreme Court summed up its discussion, as under:

33. We may summarise the principles emerging from the above discussion. (These are by no means intended to be exhaustive and are evolved keeping in view the context of disciplinary enquiries and orders of punishment imposed by an employer upon the employee):

(1) An order passed imposing a punishment on an employee consequent upon a disciplinary/departmental enquiry in violation of the rules/regulations/statutory provisions governing such enquiries should not be set aside automatically. The Court or the Tribunal should enquire whether (a) the provision violated is of a substantive nature or (b) whether it is procedural in character.

(2) A substantive provision has normally to be complied with as explained

hereinbefore and the theory of substantial compliance or the test of prejudice would not be applicable in such a case.

(3) In the case of violation of a procedural provision, the position is this : procedural provisions are generally meant for affording a reasonable and adequate opportunity to the delinquent officer/employee. They are, generally speaking, conceived in his interest. Violation of any and every procedural provision cannot be said to automatically vitiate the enquiry held or order passed. Except cases falling under "no notice", "no opportunity" and "no hearing" categories, the complaint of violation of procedural provision should be examined from the point of view of prejudice, viz., whether such violation has prejudiced the delinquent officer/employee in defending himself properly and effectively, (remaining portion omitted).

(4) (a) In the case of a procedural provision which is not of a mandatory character, the complaint of violation has to be examined from the standpoint of substantial compliance. Be that as it may, the order passed in violation of such a provision can be set aside only where such violation has occasioned prejudice to the delinquent employee.

(b) In the case of violation of a procedural provision, which is of a mandatory character, it has to be ascertained whether the provision is conceived in the interest of the person proceeded against or in public interest. If it is found to be the former, then it must be seen whether the delinquent officer has waived the said requirement, either expressly or by his conduct. If he is found to have waived it, then the order of punishment cannot be set aside on the ground of said violation. If, on the other hand, it is found that the delinquent officer/employee has not waived it or that the provision could not be waived by him, then the Court or Tribunal should make appropriate directions (include the setting aside of the order of punishment), keeping in mind the approach adopted by the Constitution Bench in B. Karunakar's case (supra). The ultimate test is always the same, viz., test of prejudice or the test of fair hearing, as it may be called.

(5) Where the enquiry is not governed by any rules/regulations/statutory provisions and the only obligation is to observe the principles of natural justice - or, for that matter, wherever such principles are held to be implied by the very nature and impact of the order/action - the Court or the Tribunal should make a distinction between a total violation of natural justice (rule of audi alteram partem) and violation of a facet of the said rule, as explained in the body of the judgment, (remaining portion omitted)

(6) While applying the rule of audi alteram partem (the primary principle of natural justice) the Court/Tribunal/authority must always bear in mind the ultimate and overriding objective underlying the said rule, viz., to ensure a fair hearing and to ensure that there is no failure of justice. It is this objective which should guide them in applying the rule to varying situations that arise before

them.

(7) There may be situations where the interests of State or public interest may call for a curtailing or the rule of audi alteram partem. In such situations, the Court may have to balance public/State interest with the requirement of natural justice and arrive at an appropriate decision.

25. The complaint of the 1st respondent in that case was about non-furnishing of the statements of two witnesses, during the course of departmental enquiry. The Supreme Court held that no prejudice was caused to the employee on account of the same. It was also held that the employee is deemed to have waived his right, since the objection was not raised at the relevant point of time. The same principle was reiterated by the Supreme Court in *Om Prakash Mann Vs. Director of Education (BASIC) and Others*, .

26. Even as regards the principles of natural justice, which were held to be inviolable, the Supreme Court made certain observations in *Karunakar's* case (*supra*), which suggests that violation by itself, cannot and automatically invalidate the proceedings, and much would depend upon the nature of prejudice suffered by the effected person as a result of the violation. It was observed as under :

The theory of reasonable opportunity and the principles of natural justice have been evolved to uphold the rule of law and to assist the individual to vindicate his just rights. They are not incantations to be invoked nor rites to be performed on all and sundry occasions. Whether in fact, prejudice has been caused to the employee or not on account of the denial to him of the report, has to be considered on the facts and circumstances of each case. Where, therefore, even after the furnishing of the report, no different consequence would have followed, it would be a perversion of justice to permit the employee to resume duty and to get all the consequential benefits. It amounts to rewarding the dishonest and the guilty and thus to stretching the concept of justice to illogical and exasperating limits. It amounts to an "unnatural expansion of natural justice" which in itself is antithetical to justice.

27. The requirement that the charges must be framed by a disciplinary authority, and the necessity to appoint an inquiry officer, would arise, only when the explanation submitted by the delinquent employee is not found to be satisfactory; is an aspect which is procedural in nature. When insisted upon, at the right point of time, it may clothe the employee with the corresponding right. Where, however, the employee remains docile or fails to raise objection, the principle of Waiver steps in, and the proceedings cannot be invalidated, on the sole ground that there was some deviation from the prescribed procedure. As pointed out by the Supreme Court in *State Bank of Patialia's* case (*supra*), important procedural enactments, such as C.P.C. and Cr.P.C., themselves contain provisions, such as Section 99 of CPC and Section 465 of Cr.P.C., directing that the procedural lapses on certain aspects, or errors, omissions, irregularities, in

the original proceedings, cannot by themselves, constitute the ground for annulling the judgment of the trial Court. The relevant provisions read asunder :

Section 99 CPC: No decree shall be reversed or substantially varied, nor shall any case be remanded, in appeal on account of any misjoinder or non-joinder of parties or causes of action or any error, defect or irregularity in any proceedings in the suit, not affecting the merits of the case or the jurisdiction of the Court.

Section 465(1) Cr.P.C. : Subject to the provisions hereinabove contained, no finding, sentence or order passed by a Court of competent jurisdiction shall be reversed or altered by a Court of appeal, confirmation or revision on account of any error, omission or irregularity in the complaint, summons, warrant, proclamation, order, judgment or other proceedings before or during trial or in any inquiry or other proceedings under this Code, or any error, or irregularity in any sanction for the prosecution, unless in the opinion of that Court, a Mure of justice has in fact been occasioned thereby.

28. It must be noted that if the various aspects mentioned in the sections, extracted above, are raised at the stage of trial, they can certainly be corrected, at the instance of the affected party. However, if no objection was raised, the violations even if true, cannot constitute the ground for interference, at the stage of appeal. It has been pointed out more than once that the petitioner failed to raise an objection, about the framing of the charges by the inquiry officer, and for the first time, it was raised before this Court. Therefore, the second question is answered against the petitioner.

29. The answer to the third question must, in a way, reflect the cumulative effect of the discussion, which has been undertaken above. Though there was slight procedural deviation in the disciplinary proceedings, the petitioner had waived his right, and he is not able to demonstrate that he has suffered any prejudice. On merits also, the petitioner is not able to demonstrate that any perversity or illegality has crept into the decision, or the decision making process. The amounts involved are of fairly high magnitude. At every stage of enquiry, the petitioner was given adequate opportunity and a finding was recorded to the effect that the petitioner failed to account for substantial amount.

30. It has been urged by the learned Counsel for the petitioner that the inquiry officer had arrived at certain conclusions, on the basis of projections, and not the actual figures. Even if the so-called projection is ignored, the findings recorded against the petitioner, such as, not accounting for huge sums of money, making an attempt to create fabricated record, constitute valid basis for the action taken against him.

31. The inquiry officer has demonstrsted as to how the petitioner had committed irregularities. For instance, the petitioner is said to have paid a sum of Rs. 30,000/- and 40,000/- to M/s. Mahaveer Enterprises, Visakhapatnam, for supply of paper. Receipts and credit bills contain the date 21.4.2004 and 30.4.2004, respectively. However, the dates of cheques for these payments are 18.6.2004

and 19.6.2004, respectively. The numbers of both these cheques were mentioned in the receipts. Many such instances were pointed. Scores of bills were found to be containing re- writings and over-writings, regarding dates of bills. The dates did not tally with the serial numbers. Many bills submitted by the petitioner, such as those obtained from the persons for operating Xerox Machines, were found to be fabricated. The bills for TA/DA filed by the staff were held to be not genuine. The amount covered by allegations 1, 2, 5, 6, 7 to 10, and 14 was arrived at Rs. 27,00,462/-. Allegation 16 covers a sum of Rs. 71,00,000/-. Even if part of what is found against the petitioner is true, the action taken against him can be sustained. Hence, the writ petition is dismissed. There shall be no order as to costs.