

(1996) 07 AHC CK 0067

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 18947 of 1988

Triloki Nath Tripathi

APPELLANT

Vs

Regional Administrative Committee U.P.Primary Agricultural
Cooperative Societies Gorakhpur and Others

RESPONDENT

Date of Decision : 03-07-1996

Acts Referred:

Uttar Pradesh Primary Agricultural Cooperative Credit Societies Centralized Service
Rules, 1976 — Rule 59

Citation : (1996) 07 AHC CK 0067

Hon'ble Judges : R.A.Sharma, J and D.K.Seth, J

Final Decision : Allowed

Judgement

R. A. Sharma, J.—Petitioner was appointed in 1983 as Secretary of Sadhan Sahkari Samiti Ltd. On 2231986 he was suspended and disciplinary inquiry was initiated against him and an Inquiry officer was appointed to conduct the inquiry, who submitted his report, on the basis of which the District Administrative Committee passed an order on 18101986, removing the petitioner from service. He filed a writ petition before this Court challenging the said order, but that writ petition was dismissed on the ground of availability of alternative remedy. Petitioner thereafter filed an appeal before the Regional Administrative Committee. The appellate authority, vide order dated 30101987 allowed the appeal and remanded the case to the District Administrative Committee for deciding afresh in accordance with law on the ground that the person at whose instance the disciplinary inquiry was initiated against the petitioner cannot be appointed as Inquiry officer. After the remand the District Administrative Committee has passed an order dated 1771989, approving its earlier order dated 18101986, whereby the petitioner was removed from service, with the result that the removal of the petitioner as ordered earlier by the District Administrative Committee stood revived. Being aggrieved by it, petitioner has filed this writ petition.

2. Parties have exchanged their affidavits and we have heard the learned counsel

for the parties.

3. Rule 59 of the U. P. Primary Agricultural Credit Cooperative Societies (Centralised Services) Rules, 1976 (hereinafter referred to as the Rules) lays down the procedure for taking disciplinary action against the Secretary, who is a member of the centralised services. According to the said rule Inquiry officer is to be appointed and full fledged inquiry is to be held after giving an opportunity of being heard to the concerned employee. Competent authority thereafter to pass appropriate order. In the instant case after the remand, it was duty of the District Administrative Committee to appoint another Inquiry officer to conduct the inquiry in accordance with the principles of natural justice and to submit his report. Petitioner has, by means of amendment application, stated that neither any Inquiry Officer was appointed after the remand nor any inquiry into the charges levelled against the petitioner was held. It has further been stated that the District Administrative Committee passed the impugned order without giving any opportunity of being heard to the petitioner approving its earlier order dated 18101986. Such a course was not open to the District Administrative Committee. The order, therefore, cannot be sustained having been passed in violation of the principles of natural justice as well as the procedure prescribed by Rule 59 of the Rules.

5. This writ petition is allowed with costs. The impugned order dated 1771989 (Annexure 7 to the Writ petition) is quashed. Petitioner will be reinstated with full back wages. The arrears of salary, admissible under rules, will be paid to the petitioner within a period of three months from the date of production of certified" copy of this order. It will be open to the District Administrative Committee to deal with the matter afresh in accordance with law.