



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 16227/2024

Tulcha Ram S/o Shri Pat Ram, Aged About 59 Years, R/o Ward
No. 2, Behind Circuit House, Churu, District Churu (Raj.).

-----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary,
Department Of Rural Development And Panchayati Raj,
Secretariat, Government Of Rajasthan, Jaipur.
2. The Secretary, Department Of Personal (A-3/inquiry)
Secretariat, Government Of Rajasthan, Jaipur.
3. The Secretary, Department Of Finance (Revenue),
Secretariat, Government Of Rajasthan, Jaipur.
4. The Chief Executive Officer, Zila Parishad Churu, District
Churu.
5. Vinod Poonia, Pradhan, Panchayat Samiti Rajgarh, District
Churu.

-----Respondents

For Petitioner(s)	: Mr. JS Bhaleria
For Respondent(s)	: Mr. Kuldeep Singh Solanki and Mr. Jai Pareek for Mr. IR Choudhary, AAG Mr. Mahaveer Prasad Pareek Ms. Meenal Singhvi for Mr. Rajesh Panwar, AAG

JUSTICE DINESH MEHTA

Judgment

Reportable

10/01/2025

1. The petitioner has called in question the disciplinary
proceedings initiated by the Deputy Secretary, Department of
Personnel vide memorandum of charges dated 13.05.2024 on the
ground of jurisdiction and competence.
2. The petitioner was appointed as Accounts Officer in Public
Works Department, Churu by order dated 04.10.2021 issued by



the Joint Secretary, Finance. His appointing authority is, Secretary, Finance Department.

3. A common and combined charge-sheet has been issued against the petitioner and one Amarjeet Singh, who was working as a Development Officer, Panchayat Samiti Rajgarh, Churu. Appointing authority of said Amarjeet Singh was Secretary, Panchayati Raj Department and disciplinary authority is Department of Personnel, as he was in State services.

4. While informing that the petitioner's services are governed by the Rajasthan Accounts Service Rules, 1984, Mr. Bhaleria, learned counsel asserted that petitioner's disciplinary authority is the Secretary to the Government, Department of Finance.

5. The basic plank of challenge is, that since the Department of Personnel is neither the petitioner's appointing authority nor the disciplinary authority, it cannot initiate disciplinary proceedings against him.

6. It was argued by Mr. Bhaleria, learned counsel for the petitioner that if any disciplinary action is to be taken against the petitioner, it is his parent department i.e. Department of Finance, which can take decision to initiate the proceedings and issue charge-sheet and not the Department of Personnel.

7. Ms. Meenal Singhvi, appearing for the respondent-State submitted that on account of involvement of two persons - the petitioner and one Amarjeet Singh, the State decided to initiate proceedings against both the delinquents and since one was from Finance Department (petitioner) and the other was from Department of Personnel (Amarjeet Singh), proceedings against



them were initiated conjointly by the Department of Personnel vide memorandum of charges dated 13.05.2024.

8. While relying upon Rule 18 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 (hereinafter referred to as the 'CCA Rules, 1958'), she argued that the Department of Personnel was justified in initiating disciplinary proceedings and serving charge-sheet upon the petitioner. She read the text of Rule 18 of CCA Rules, 1958 and argued that the same empowers the Department of Personnel to do so.

9. In rejoinder Mr. Bhaleria, learned counsel for the petitioner relied upon the judgment of this Court rendered at Jaipur Bench in the case of ***Prem Shanker vs. High Court of Judicature for Rajasthan & Ors : S.B. Civil Writ Petition No.1289/1981***, reported in ***1991 1 WLC 170*** and highlighted that in almost similar circumstances, this Court has held that disciplinary proceedings are required to be initiated by the disciplinary authority. However, one common Inquiry Officer can be appointed and inquiry be conducted in order to ensure that one common set of evidence can be used qua both such employees so as to save time and duplicacy of proceedings.

10. Heard learned counsel for the parties.

11. Rule 18 of the Rule of CCA Rules, 1958 reads thus:-

Joint Enquiry:-

(1) Where two or more Government Servants are concerned in any case, the Government or any other authority competent to impose the penalty of dismissal from service on all such Government Servants may make an order directing that disciplinary action against



all of them may be taken in a common proceedings.

(2) Any such order shall specify –

- (i) the authority which may function as the Disciplinary Authority for the purpose of such common proceedings;*
- (ii) the penalties specified in rule 14 which such Disciplinary Authority shall be competent to impose; and*
- (iii) whether the procedure prescribed in rule 16 to 17 may be followed in the proceeding.”*

12. A few facts are indisputed that the charges revolve around the financial and other irregularities committed in Panchayat Samiti, Rajgarh (Churu), in which, at the relevant time, the petitioner, an Assistant Accounts Officer and Amarjeet Singh, a Development Officer were working in harness. There is also no denial of the fact that the petitioner's appointing and disciplinary authority is State of Rajasthan in the Department of Finance, while appointing authority of other employee namely Amarjeet Singh is Panchayati Raj Department and disciplinary authority is Department of Personnel.

13. Since, two persons from different departments are being conjointly proceeded and hence Rule 18 of CCA Rules, 1958, can be pressed into service, without any doubt and legal hurdle. Because, Rule 18 of CCA Rules, 1958, provides that when two or more Government employees are involved in any delinquency or misconduct, the State Government or any other competent authority to impose the penalty of dismissal from service on all such Government servants, may by an order direct that



disciplinary action against all of them be taken by way of common proceedings.

14. Sub-rule (2) of the Rule 18 of CCA Rules, 1958 prescribes that such order shall clearly specify the authority, who shall function as the disciplinary authority for the purpose of common proceedings and the penalties which such authorities could impose, including the fact as to whether the procedure prescribed in Rules 16 and 17 of CCA Rules, 1958 are required to be followed or not.

15. In the opinion of this Court, the purpose of Rule 18 is to streamline the inquiry and ensure synergy of the disciplinary proceedings, so as to ward off wastage of time and resources and also to avert possibility of having two different findings and punishments qua similar or common delinquency.

16. According to this Court, simply because the Department of Personnel is disciplinary authority of one of the employee namely Amarjeet Singh, the State Government and the Secretary, Department of Personnel cannot take unto itself, the initiation and continuation of proceedings so also culmination thereof in imposition of penalty upon a government servant, who is otherwise not under his administrative umbrella and supervisory control.

17. Afore view is fortified by the adjudication made by this Court in the case of Prem Shanker (supra); para Nos.7 and 8 whereof are being reproduced hereunder for ready reference:-

"7.

.....

A perusal of Rule 18 of the C.C.A. Rules will show that it is attracted or can be attracted



only in a case where the evidence which is likely to come is common and the incident/incidents in relation to which the inquiry is/are made are almost the same. In the instant case the inquiry was in relation to the loss of railway parcel of civil suit No.17/72 of the court of learned Additional District & Sessions Judge, Bundi and, therefore, there can be no dispute that it was case where joint inquiry could have been initiated. Rule 18 of the C.C.A Rules provides that when two or more Government servants are concerned in any case, the Government or any other authority competent to impose the penalty of dismissal from service on all such Government servants may make an order directing that disciplinary action against all of them may be taken in a common proceeding. But sub-rule (2) of Rule 18 makes it clear that any such order shall specify:-

- (i) the authority which may function as the Disciplinary Authority for the purpose of such common proceedings;*
- (ii) the penalties specified in rule 14 which such Disciplinary Authority shall be competent to impose; and*
- (iii) whether the procedure prescribed in rule 16 to 17 may be followed in the proceeding.*

8. The aforesaid orders are necessary to attract Rule 18 of the C.C.A. Rules. A perusal of the order dated 1st May 1979 of the Rajasthan High Court, informing the District & Sessions Judge, Bundi that he has been directed that departmental enquiry may be initiated by him against the petitioner and



Bahadur Singh show that it has not been specified therein as to the penalties specified in rule 14 and whether the procedure prescribe under Rule 16 or 17 may be followed or not, it is lacking in the order of the Rajasthan High Court and it does not appear to be as required under Rule 18 of the C.C.A. Rules. But it cannot be said that it has caused any prejudice to the petitioner. So far as the petitioner is concerned, admittedly the District & Sessions Judge, Bundi was the Disciplinary Authority. Generally Rule 18 of the C.C.A. Rule will be attracted in such a situation where there are two disciplinary authorities of the Government servants but the nature of enquiry is such that the charges are identical, they related to the same subject matter, evidence likely to be produced is common and, therefore, such authority who may be competent to inflict penalty as provided under Rule 14 or 17 of the C.C.A. Rules as the case may be, may be appointed to function as Disciplinary Authority, for the purpose of common proceeding. But at the same time, it appears that even if there are two disciplinary authorities there is no bar to appoint any one of them for the purpose of common enquiry and in that case after making an enquiry, the enquiry officer will have to submit his report to the disciplinary authority who will be the competent to award the penalties provided under Rules 14 and 15 of the C.C.A. Rules as the case may be. Therefore, it can be said that under the order of the Rajasthan High Court, the District & Sessions Judge, Bundi





was appointed a common enquiry officer who made the enquiry and thereafter, as directed by the Rajasthan High Court submitted his report to the District and Sessions Judge, Bundi as well as District & Sessions Judge, Kota. So far as the employees under their judge-ships namely the petitioner and Bahadur Singh were concerned. The disciplinary authority imposed a penalty of removal from service so far as the petitioner is concerned, whereas the disciplinary authority (District & Sessions Judge, Kota) is concerned he imposed a penalty of censure on Bahadur Singh. Thus, so far as this argument of the learned counsel that there has been contravention of Rule 18 of the C.C.A. Rules deserve no merit as aforesaid."

18. A perusal of Rule 18 reveals that it provides that Government or any other authority competent to impose the penalty of dismissal from service on all such employees may make an order regarding disciplinary action to be taken against all of them. Such order should clearly specify which authority shall function as disciplinary authority for the purpose of common proceedings, while also delineating the scope of action to be taken as per sub-rule (2) of the Rule 18 of the CCA Rules, 1958.

19. But the crucial question which crops up for consideration of this Court and which needs to be ironed out is, who shall be the authority competent to pass order under Rule 18 of the CCA Rules, 1958?

20. Neither Rule 18 of CCA Rules, 1958 gives clear answer nor has any Government Order/notification etc. been brought to



notice, which could throw some light on this aspect or provide guidance.

21. In a quest for finding the answer, this court waded through the Rajasthan Rules of Business, issued by Hon'ble the Governor of Rajasthan in exercise of his powers under Clauses (2) and (3) of Article 166 of the Constitution of India.

22. According to Rule 21 of the Rajasthan Rules of Business, disposal of business relating to items common to all departments is to be made in the manner specified in the Appendix-B. All decisions relating to services, including disciplinary matters, suspension and institution of disciplinary proceedings are required to be undertaken by the Deputy Secretary or the Secretary, as the case may be, of the concerned department.

23. As such, in the case of the petitioner whose parent department is Finance Department, the disciplinary action (if any) can be taken by the Secretary of the Finance Department and not by the Department of Personnel. Furthermore, since the other employee involved in the alleged irregularities namely, Amarjeet Singh hails from the State services and his parent department is Department of Personnel, it is the Secretary of the Department of Personnel, who is empowered to initiate proceedings against him.

24. If Rule 18 of the CCA Rules, 1958 is taken into account, it provides that in such cases, the State Government or authority competent to impose the penalty of dismissal on both the employees can pass an order under Rule 18 of the CCA Rules, 1958.

25. Direct answer to the question-which is the authority competent to pass such order under Rule 18 of the CCA Rules,



1958 is not available under the CCA Rules, 1958. However, as per the Rajasthan Rules of Business, the department of Administrative Reforms and Coordination, headed by the Chief Secretary of the State is entrusted with the task of coordinating with other administrative departments. In the cases like the one in hands, when two delinquents whose disciplinary authorities are officers or Secretaries of different departments, then, it is the Chief Secretary or other competent authority of the Administrative Reforms and Coordination Department alone, who can pass an order under Rule 18 of CCA Rules, 1958.

26. This court would hasten to add, that in such cases, issuance of simple charge-sheet in the manner done is not sufficient. The competent authority in the Office of Department of Administrative Reforms and Coordination can either undertake the proceedings itself or can pass an order specifying the authority which shall function as the disciplinary authority for the common proceedings; who shall be the disciplinary authority competent to impose penalty specified in Rule 14 of CCA Rules, 1958 and also mention whether the procedure prescribed in Rules 16 and 17 of the CCA Rules, 1958 is required to be followed or not in the proceedings to be undertaken.

27. It is only after such an order being passed, an authority appointed as disciplinary authority can proceed in the matter and issue a combined charge-sheet to all such delinquents who are involved in one case or common and interlaced irregularities, against whom the State proposes to take common or joint proceedings. Such disciplinary authority may (if so desired),



thereafter appoint an inquiry officer to conduct common and joint inquiry.

28. As a consequence of the discussion foregoing, the present writ petition is allowed; impugned charge-sheet dated 13.05.2024 qua the petitioner is hereby quashed.

29. Needless to observe that either the petitioner's disciplinary authority in the Finance Department shall be free to recommend disciplinary proceedings against the petitioner in accordance with law (if not already done) or the Chief Secretary or the Secretary in-charge of the Administrative Reforms and Co-ordination Department shall suo-motu pass an order under Rule 18 of the CCA Rules, 1958, appointing common disciplinary authority (if so desired) and issue other directions as deemed expedient, as provided under sub-rule (2) of Rule 18 of the CCA Rules, 1958.

30. Stay application also stands disposed of, accordingly.

(DINESH MEHTA),J

6-raksha/-