

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 8334 of 2016**

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NATIONAL SMALL INDUSTRIES CORPORATION LTD (NSIC)

Versus

RAM AVTAR AGARWAL

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Appearance:

MRS SANGEETA N PAHWA(527) for the Petitioner(s) No. 1

PARTY IN PERSON(5000) for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA**

and

HONOURABLE MR.JUSTICE J. L. ODEDRA**Date : 12/08/2026****JUDGMENT****(PER : HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA)**

(1) The additional affidavit filed by the petitioner is taken on record.

(2) On 12.11.1999, a charge-sheet was issued against the respondent, wherein two charges were levelled against him.

(3) An inquiry was conducted, which culminated in an inquiry report stating that the charges against the respondent had been established.

(4) The inquiry report was furnished to the respondent, and after obtaining his reply, the Disciplinary Authority proceeded to accept the inquiry report and passed an order of dismissal.

(5) Being aggrieved by the said order of dismissal, the respondent approached this Court in Special Civil Application No. 8492 of 2004. However, by an order dated 03.07.2014, this Court relegated the respondent to the Central Administrative Tribunal (CAT).

(6) The CAT thereafter considered the matter and, by the impugned order, has set aside the order passed by the Disciplinary Authority in the following terms:-

"....12. But at the same time, it is not clear whether FSC of the Regional Office was, in fact, bringing to the notice of the applicant as to whether a particular SSI Unit to whom the financing is being recommended for sanction was indeed a Member of any group of companies or not ? It is also not clear as to what kind of mechanism was in place under which the financial sanctions were to be recommended by the applicant as the Regional head to the Head Office. Normally, it would be assumed that only such proposals would be sent by the Regional office to the Head Office wherein financial sanctions involved exceeds the powers of the Regional Office. Nowhere on the record we could find that overlooking the recommendations of FSC or for that matter ignoring the extent guidelines of the Head Office pertaining to Group-Company financing, the applicant has sanctioned finances to them breaching the prescribed limit. The Inquiry Officer's report also does not clearly indicates this position. We, therefore, feel that this is a grave error. More clarity is required to be brought out on this aspect and action against the applicant could be taken by the Disciplinary authority only thereafter.

13. In the above circumstances, the impugned order dated 12.09.2003 (Annexure A) passed by the Disciplinary Authority is quashed and set aside. The Disciplinary Authority is directed to pass a fresh order in the light of the observations made in paragraph (12) of this order. The Transfer Application is accordingly disposed of. No order as to costs."

(7) As could be seen from the above, the CAT has basically set aside the order of Disciplinary Authority dismissing the respondent from service and has directed the Disciplinary Authority to pass a fresh order in the light of the observations made in paragraph 12 of its order.



(8) In our view, such an order, which merely directs the Disciplinary Authority to consider the observations made by the CAT and pass a fresh order, does not warrant interference under Article 226 and 227 of the Constitution of India. The writ petition is, therefore, dismissed.

(N.S.SANJAY GOWDA,J)

(J. L. ODEDRA, J)

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