

DRAFT FOR APPROVAL.

JAIPUR
7.24.54
22

Standing Instruction No. 4.

Subj: - Notices and writ cases.

Rajasthan High Court

In the writ case ^{of A} ~~Number~~ Ex.H.C. of District
Rahi v/s the State of Rajasthan the following points were
argued amongst others:-

1. that the Enquiry Officer had not given him the statement of allegations alongwith the charge showing the facts on which the charge was based or any other circumstances which was proposed to be taken into consideration in passing an order against the petitioner ;
2. that he had been given no opportunity to put in a written statement of his defence at all after the charge had been handed over to him, and/or *he heard in person if he so wished.*
3. that all the witnesses against the petitioner had already been examined before the framing of the charge, and ~~that later~~ he was merely asked to cross examine them and this was done on the same day on which the charge had been served on him.

The Honourable High Court of Judicature for Rajasthan did not consider the first point but have ~~seriously~~ accepted the other points and quashed the order of dismissal passed as well as all the proceedings of the Enquiry Officer subsequent to the framing of the charges.

{ Extract copy of the judgement discussing these points is }
enclosed for information & guidance.

This is a bad case of procedural irregularities committed in the departmental proceedings. Attention ^{of} all concerned is therefore drawn to-wards this Office Circular No. 121 dated 23. 9. 54

and rule 16 & 17 of the C.C. & A. Rules ¹⁹⁵⁸ laying down procedure for awarding Major and minor panalties specified in rule 14 of the said rules, *and the points raised in the a/w petition*

It is need less to emphasise that such procedural

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irregularities when challenged in the Courts and
aside brings ^{a bad name to the administration} ~~disgrace to the Government and the d~~
and cause ^{unwarranted loss} ~~un~~ called for financial loss to the Sta
the procedure laid down for conducting department
should be correctly and vigilently followed.

clerk
5/11/59

(Goverdhan) I.P.S.
Inspector General of
Rajasthan, Ja.

Govt

24/9.