2025 INSC 898

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2025
(Arising out of SLP(Civil) No. 7149 of 2023)

UNION OF INDIA & ORS. ...APPELLANT(S)

VERSUS

R. SHANKARAPPA ...RESPONDENT(S)

J U D G M E N T

SATISH CHANDRA SHARMA, J.

1. Leave granted.

2. The present appeal is arising out of judgment and order dated 18.11.2022 in Writ Petition No. 14475/2022 (hereinafter referred to as, "**Impugned Order**") passed by High Court of Karnataka at Bengaluru (hereinafter referred to as, "**High**

Court") by which the High Court has set aside the order passed by the Central Administrative Tribunal, dated 23.06.2022, in Original Application No. 170/00457/2021.

3. The facts of the case reveal that the respondent, Sri R. Shankarappa, was an employee serving the Department of Telecommunication as Sub Divisional Engineer, Group 'B' and was posted at Karnataka LSA (Licensed Service Area) DOT, Bengaluru. He retired from the service after attaining the age of superannuation on 31.05.2018. In 2003, the Respondent was subjected to prosecution by the Central Bureau of Investigation in two cases; namely, Case No. 1 i.e. Special CC No. 42/2003 instituted for offences punishable under Sections 7 & 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 (hereinafter referred to as, "**PCA**") for allegedly demanding and accepting a bribe of Rs. 1 lakh from a Contractor, and Special CC No. 92/2003 instituted for offences punishable under Section 13(1)(e) read with Section 13(2) of the PCA for allegedly possessing assets disproportionate to his known source of income. Respondent was convicted in both cases. The record before this Court reflects that the respondent preferred Criminal Appeal Nos. 195/2014 and 277/2014 before the High Court against his conviction, wherein the High Court has stayed his conviction as well as his sentence *vide* orders dated 08.04.2014

and 22.04.2014, respectively. The criminal appeals are pending as on date.

4. Parallelly, disciplinary proceedings were instituted against respondent while he was working as Sub Divisional Engineer Cable Construction – II in Bengaluru Telecom SSA (BGTD). Two charge-sheets were issued under Rule 14 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965 (hereinafter referred to as, "**CCS CCA Rules**"), on 27.05.2006 and 04.12.2008 relating to the trap case and the case in respect of possessing assets disproportionate to his known source of income, respectively.

5. The record of the case further reveals that the respondent preferred as many as six cases before the Central Administrative Tribunal (hereinafter (hereinafter referred to as, "**CAT**"), Bengaluru, and made all possible attempts to derail the departmental inquiry. The list of six cases preferred by him in respect of the aforesaid two charge-sheets are detailed as under:

I. In the matter of departmental proceedings relating to alleged trap case:
   (i) OA No. 273/2007 decided on 04.09.2008
   (ii) OA No. 486/2017 decided on 18.07.2018
   (iii) OA No. 79/2019 decided on 05.03.2020

II. In the matter of departmental proceedings relating to allegation of disproportionate assets case-

(i) OA No. 67/2010 decided on 15.03.2012

(ii) OA No. 475/2017 decided on 18.07.2018

(iii) OA No. 78/2019 decided on 05.03.2020

6. The respondent raised a ground before the Tribunal in the aforesaid cases that the charge-sheets have been issued by an authority which is competent to inflict only minor penalties, therefore, as the charge-sheet has not been issued with the approval of the disciplinary authority empowered to inflict major penalty, the charge-sheet itself is void. The respondent on this ground finally preferred an Original Application which was registered as O.A. No. 170/00457/2021 praying thus:

> *"To declare that the proceedings initiated under charge memos bearing No. VIG/12-285A/2005/6 dated 27.05.2006 and No. VIG/RS-SDE/BGTD/2008/37 dated 01.12.2008 both issued by Principal General Manager, BGTD, Bengaluru (Respondent No.4 herein) are void-ab-initio for want of approval from the appointing authority, in terms of Apex Court's ruling in case of Union of India and Others Vs. B.V.Gopinath reported in (2014) 1 SCC 351."*

7. The respondent herein before the Tribunal placed heavy reliance on the judgment of this Court in ***Union of India and Others Vs. B.V. Gopinath*** *reported in (2014) 1 SCC 351* and prayed for quashing of disciplinary proceedings. The Tribunal

dismissed the said Original Application holding that the charge-sheet and the disciplinary proceedings does not warrant any interference as they have been issued by a competent disciplinary authority. It was also held that the disciplinary authority empowered to inflict minor penalty can issue a charge-sheet even though it's a charge-sheet under Rule 14 of the CCS CCA Rules for inflicting a major punishment, given that the punishment order will have to be passed by the disciplinary authority empowered to impose a major penalty.

8. The respondent being aggrieved by the dismissal of Original Application preferred a Writ Petition No. 14475 of 2022 before the High Court and the High Court has allowed the writ petition vide Impugned Order dated 18.11.2022. The High Court has arrived at a conclusion that in cases where a charge-sheet has been issued under Rule 14 of the CCS CCA Rules, by an authority empowered to inflict minor penalties, then the charge memo has to be approved by the authority which is competent to inflict major penalty.

9. Learned Counsel for the petitioner-Union of India vehemently argued before this Court that the reliance placed by the High Court upon the judgment delivered in ***B.V. Gopinath*** (supra) is misplaced and the statutory provisions governing the field empowers the disciplinary authority to issue a charge sheet

in respect of major penalty even though the authority who has issued the charge-sheet was competent to inflict minor penalties only.

10. On the other hand, learned counsel for the respondent has vehemently argued before this Court that the question of interference by this Court in the peculiar facts and circumstances of the case does not arise as the judgment delivered by the High Court is squarely covered by the verdict of this Court in the case of ***B.V. Gopinath*** (supra).

11. We have heard learned counsel for the parties at length and perused the record thoroughly.

12. In the present case, it is an undisputed fact that the charge-sheet was issued under Rule 14 of the CCS CCA Rules, which provides for a procedure for imposing major penalties. Rule 14 (1) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, reads as under:

> "*14. Procedure for imposing major penalties*
>
> *(1) No order imposing any of the penalties specified in clauses (v) to (ix) of Rule 11 shall be made except after an inquiry held, as far as may be, in the manner provided in this rule and rule 15, or in the manner provided by the Public Servants (Inquiries) Act, 1850 (37 of 1850), where such inquiry is held under that Act."*

13. The learned counsel for the respondent has not been able to point out violation of any statutory provision of law and the disciplinary proceedings were conducted strictly in consonance with procedure prescribed under the aforesaid Rule.

14. In the present case, as already stated earlier, the charge-sheet was issued for imposing major penalties by the General Manager (Telecommunications). As per Appendix 3 appended to the CCS CCA Rules, the Member Telecommunications Commission is competent authority to impose major penalties and the General Manager, Telecommunications is competent to impose minor penalties. Appendix 3 appended to the CCS CCA Rules is reproduced as under:

Serial Number (1)	Description of Service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)	
			Authority (4)	Penalties (5)
9.	Telecommunication Engineering Service, Group 'B'	Member, Telecommunications Commission	Member, Telecommunications Commission Adviser (Human Resources Development) Department of Telecommunications; Head of Circle;	All

			General Manager; Telecommunication Factories; Head of Telephone District; Head of Telecommunication District/ Telecommunications Area of Senior Administrative Grade; General Manager, Maintenance of Senior Administrative Grade, General Manager, Projects.	(i) to (iv)

15. Rule 13 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 which provides for initiation of disciplinary proceedings reads as under:

> *"13. Authority to institute proceedings*
>
> *(1) The President or any other authority empowered by him by general or special order may –*
>
> *(a) institute disciplinary proceedings against any Government servant;*
>
> *(b) direct a disciplinary authority to institute disciplinary proceedings against any Government servant on whom that disciplinary authority is competent to impose under these rules any of the penalties specified in rule 11.*
>
> *(2) A disciplinary authority competent under these rules to impose any of the penalties specified*

in clauses (i) to (iv) of rule 11 may institute disciplinary proceedings against any Government servant for the imposition of any of the penalties specified in clauses (v) to (ix) of rule 11 notwithstanding that such disciplinary authority is not competent under these rules to impose any of the latter penalties."

16. A plain reading of Rule 13(2) of the CCS CCA Rules specifies that a disciplinary authority competent under the rules "may institute disciplinary proceedings". When the aforementioned Rule is read with Rule 14 and Appendix 3 of the CCS CCA Rules, it is very clear that an authority empowered to inflict minor penalties (in the present case, the General Manager) can certainly issue a charge-sheet even for imposition of major penalties.

17. Thus, in short, initiation of disciplinary proceedings can be done by Member Telecommunications Commission as well as by General Manager, Telecommunication. In the present case, initiation has been done by the General Manager, Telecommunication and, therefore, in the light of the statutory provisions of the law, this Court is of the considered opinion that issuance of charge-sheet by General Manager, Telecommunication could not have been faulted upon by the High Court solely by placing reliance upon the judgment delivered by this Court in the case of ***B.V. Gopinath*** (supra).

18. This Court has carefully considered the judgment delivered in the case of ***B.V. Gopinath*** (supra). The aforesaid case was in respect of an IRS Officer Mr. B.V. Gopinath who was appointed as an Additional Commissioner of Income Tax, and the grievance raised was that the charge-sheet against him was not approved by the Finance Minister, whereas, an office order dated 19.07.2005 contained a requirement of such approval. In the present case, there is no such office order in respect of Department of Telecommunication and the statutory provisions governing the field also do not provide for any such approval from the Member, Telecommunications Commission. In the present case, the guilt of the respondent after following due process of law has been established. The inquiry does not suffer from any procedural irregularity and the charge-sheet has been issued by the competent disciplinary authority. The final order has been passed after following the due process of law by the competent disciplinary authority empowered to inflict major penalty and, therefore, the CAT has rightly dismissed the Original Application preferred by the respondent herein and the order passed by the High Court deserves to be set aside.

19. Resultantly, the appeal is allowed and the Impugned Order dated 18.11.2022 passed by the High Court in Writ Petition No. 14475 of 2022 is hereby set aside and the proceedings initiated under charge memos bearing No. VIG/12-285A/2005/6 dated

27.05.2006 and No. VIG/RS-SDE/BGTD/2008/37 dated 01.12.2008 both issued by Principal General Manager, BGTD, Bengaluru (Respondent No.4 herein) are held to be validly initiated.

…….J.
[SANJAY KUMAR]

.....…….J.
[SATISH CHANDRA SHARMA]

NEW DELHI
July 25, 2025.