

ITEM NO.9

Court 4 (Video Conferencing)

SECTION XVI

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

**Petition(s) for Special Leave to Appeal (C) Nos.3524-3525/2022**

**(Arising out of impugned final judgment and order dated 09-09-2021 in FMA No.679/2019 09-09-2021 in FMA No.680/2019 passed by the High Court at Calcutta)**

**UNION OF INDIA & ORS.**

**Petitioner(s)**

**VERSUS**

**SUBRATA NATH**

**Respondent(s)**

**(FOR I.R.)**

**Date : 25-03-2022 These petitions were called on for hearing today.**

**CORAM :**

**HON'BLE DR. JUSTICE D.Y. CHANDRACHUD**  
**HON'BLE MR. JUSTICE SURYA KANT**

**For Petitioner(s)** Ms. Aakanksha Kaul, Adv.  
Ms. Nidhi Khanna, Adv.  
Mr. Rajan Kumar Chourasia, Adv.  
Mr. Raghav Sharma (B), Adv.  
Mr. Arvind Kumar Sharma, AOR

**For Respondent(s)**

**UPON hearing the counsel the Court made the following**  
**O R D E R**

- 1 The Division Bench of the Calcutta High Court by its judgment dated 9 September 2021 has directed the petitioners to pass a fresh order of

punishment commensurate with the finding of gross negligence and dereliction of duties other than an order of dismissal, removal or compulsory retirement.

- 2 Ms Aakanksha Kaul, counsel for the petitioners submits that the above direction of the Division Bench despite the finding that there was gross negligence and dereliction of duties is contrary to well settled principles governing the conduct of a disciplinary enquiry.
- 3 Issue notice, returnable in eight weeks.
- 4 Counter affidavit be filed within a period of four weeks from the date of service of the notice.
- 5 Pending further orders, there shall be a stay of the operation of the impugned judgment and order dated 9 September 2021 of the High Court of Calcutta in FMA Nos 679 of 2019 and 680 of 2019.

**(CHETAN KUMAR)**  
**A.R. - cum - P.S.**

**(SAROJ KUMARI GAUR)**  
**Court Master**