

ITEM NO.5

COURT NO.6

SECTION XIV

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

**SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 19475/2022**

**(Arising out of impugned final judgment and order dated 16-03-2022 in WPC No. 73/2021 passed by the High Court Of Gauhati At Kohima)**

**RICHARD YIMTO****Petitioner(s)****VERSUS****UNION OF INDIA & ORS.****Respondent(s)**

**( IA No.10560/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.10559/2023-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS )**

**Date : 11-04-2023 This petition was called on for hearing today.**

**CORAM :****HON'BLE MR. JUSTICE DINESH MAHESHWARI****HON'BLE MR. JUSTICE SANJAY KUMAR**

**For Petitioner(s)** Mr. Pravir Choudhary, AOR  
 Mr. Reepak Kansal, Adv.  
 Mr. Prince Arora, Adv.  
 Mr. Ajay Kapoor, Adv.  
 Mr. Tarun Suneja, Adv.  
 Mr. Priyambika Jha, Adv.  
 Mr. Venkata Balaji, Adv.  
 Mr. Vaibhav Tiwari, Adv.

**For Respondent(s)**

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

**Delay in refiling is condoned.**

**The petitioner herein has questioned the disciplinary proceedings initiated against him under the Memorandum dated 18.12.2018, essentially on the ground of inexplicable and inordinate delay in conclusion of the enquiry.**

The Central Administrative Tribunal, Guwahati Bench declined to interfere with the disciplinary proceedings by its order dated 26.02.2021 while directing the authority concerned to conclude the same within six months from the date of the said order.

Further challenge by the petitioner in a writ petition before Gauhati High Court did not meet with success but the High Court, by its impugned order dated 16.03.2022, again required the authority concerned to conclude the enquiry within a period of six months and preferably by 15.09.2022.

While taking up this petition for consideration against the said order dated 16.03.2022, this Court, by the order dated 24.01.2023, granted time to the petitioner to place on record the proceedings of enquiry, particularly after passing of the impugned order by the High Court.

Now, the petitioner has filed an additional affidavit stating that despite moving appropriate applications seeking record of proceedings and seeking to know the action taken after 16.03.2022,

no response has been forthcoming from the respondents; and in fact, no hearing at all has taken place after 16.03.2022. The petitioner has, *inter alia*, stated in his affidavit as under:

"6. I state that the Enquiry Officers held the Preliminary Hearings on 22.01.2019, 17.05.2019, 15.01.2020, 22.01.2020, 15.12.2020 and 15.01.2021 only. There was no hearing at all after 15.01.2021 in the said Disciplinary Proceedings as well as after the passing of the impugned Judgment dated 16.03.2022 by the High Court.

7. I state that there was not a single hearing of the Enquiry Officers in the Disciplinary Proceeding against the Petitioner after 16.03.2022 till to date. It was for this reason the Respondent No. 3 could not supply any Proceedings/Orders passed by the Enquiry Officers after 16.03.2022."

Taking note of the submissions aforesaid and the totality of the circumstances, we feel that the matter requires consideration.

Issue notice, returnable in two weeks.

Dasti service, in addition to ordinary process is permitted.

(NEETU KHAJURIA)  
ASTT. REGISTRAR-cum-PS

(RANJANA SHAILEY)  
COURT MASTER