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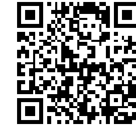

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Judgment reserved on: 12.02.2026***
Judgment pronounced on: 01.04.2026
Judgment uploaded on: 01.04.2026

\+ W.P.(C) 6699/2018
UNION OF INDIA & ORS .....Petitioners
Through: Mr. Sanjay Jain, Sr. Adv. with Mr. Ruchir Mishra, Mr. Sanjiv Kumar Saxena, Mr. Mukesh Kumar Tiwari, Mr. Nishank Tripathi, Ms. Harshita Sukhija, Ms. Reba Jain Mishra, Ms. Poonam Shukla, Ms Rishika Agrawal and Ms. Priya Tyagi, Advs.

versus

PADMA JAISWAL IAS (AGMUT:2003) .....Respondent
Through: Mr. Nidhesh Gupta, Sr. Adv. with Mr. Tarun Gupta, Adv.

\+ W.P.(C) 12072/2018, CM APPL. 46771/2018 and CM APPL. 14354/2019
SH. SANJAY PRATAP SINGH .....Petitioner
Through: Mr. A. K. Thakur, Mr. Rishi Raj, Mr. Sujeet Kumar and Mr. Ningthem Oinam, Advs.

versus

UNION OF INDIA THROUGH SECRETARY .....Respondent
Through: Ms. Nidhi Raman, CGSC with Mr. Akash Mishra and Mr. Arnav Mittal, Advs. for UOI

\+ W.P.(C) 12083/2018, CM APPL. 14344/2019 and CM APPL. 18093/2019
SH. SANJAY PRATAP SINGH .....Petitioner
Through: Mr. A. K. Thakur, Mr. Rishi Raj, Mr. Sujeet Kumar and Mr. Ningthem Oinam, Advs.

versus

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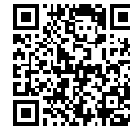

UNION OF INDIA THROUGH SECRETARY AND ANR
.....Respondents

Through: Ms. Nidhi Raman, CGSC with Mr. Akash Mishra and Mr. Arnav Mittal, Advs. for R1/UOI.

\+ W.P.(C) 14025/2025 and CM APPL. 57369/2025

UNION OF INDIA & ORS. .....Petitioners

Through: Mr. Shashank Dixit, CGSC with Mr. Kunal Raj, Adv

versus

RINKU DHUGGA .....Respondent

Through: Mr. Ankur Chhibber, Adv.

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T

ANIL KSHETARPAL, J.:

1. With the consent of learned counsel for the parties, W.P.(C) 6699/2018 and W.P.(C) 14025/2025, which involve an identical question of law concerning the competence of the disciplinary authority in respect of officers borne on the AGMUT (Arunachal Pradesh, Goa, Mizoram and Union Territories) Joint Cadre of the Indian Administrative Service [hereinafter referred to as 'IAS'], were heard together and are being disposed of by this common judgment.

2. The singular and determinative issue which arises for consideration in the present Petitions is whether the Ministry of Home Affairs acting as a delegatee of the Joint Cadre Authority, was competent in law to initiate disciplinary proceedings and impose penalty upon a member of the IAS borne on the AGMUT Joint Cadre?

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FACTUAL MATRIX:

3. In order to appreciate the controversy involved in the present Petitions, it would be apposite to briefly notice the relevant factual background.

4. The Respondents herein are members of the AGMUT Joint Cadre of the IAS. At the material time, they were posted in the State of Arunachal Pradesh, which is one of the constituent States forming part of the Joint Cadre Authority [hereinafter referred to as 'JCA'].

5. In W.P.(C) 6699/2018, disciplinary proceedings initiated against the concerned officer culminated in the passing of a final order of penalty by the Ministry of Home Affairs [hereinafter referred to as 'MHA']. However, the said order was not implemented in view of interim directions passed during the pendency of the challenge before the learned Central Administrative Tribunal [hereinafter referred to as 'Tribunal']. In W.P.(C) 14025/2025, the disciplinary proceedings had not reached finality. A Memorandum of Charges was issued seeking to initiate proceedings under the All India Services (Discipline & Appeal) Rules, 1969 [hereinafter referred to as '1969 Rules']. The Tribunal, following its earlier decision which is the subject matter of challenge in W.P.(C) 6699/2018, quashed the initiation of the disciplinary proceedings by applying the same reasoning.

6. Since the central issue in both Petitions pertains to the competence of the MHA, acting as a delegatee of the JCA, to initiate and conclude disciplinary proceedings against members of the AGMUT Joint Cadre, the factual differences between the two matters do not materially alter the legal question involved. Nevertheless, for

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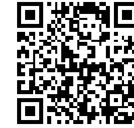

completeness of narration, the facts as noticed in the Order dated 22.03.2018 [hereinafter referred to as 'Impugned Order'] passed in W.P.(C) 6699/2018 are extracted hereunder.

> *"4. It is deemed necessary to refer to some necessary facts. The applicant is a 2003 Batch IAS officer. She was assigned the AGMU cadre. She was posted in Arunachal Pradesh as Deputy Commissioner, West Kameng District w.e.f. February, 2007. She was transferred from the said position vide order dated 23.02.2008. Some preliminary inquiry was conducted on the basis of a complaint against the applicant. The applicant was placed under suspension vide Ministry of Home Affairs letter dated 15.04.2008 and shifted to Itanagar. The applicant continued under suspension till it was revoked on 08.10.2010. The preliminary inquiry and the suspension was on the basis of a complaint dated 22.02.2008 by some locals of District Kameng regarding misappropriation of Government revenue and misuse of official position. This complaint was communicated to the applicant vide letter dated 04.09.2008 by Secretary (Personnel), Government of Arunachal Pradesh seeking the views/explanation of the applicant. She submitted her reply dated 05.09.2008. The applicant was, however, served with a memorandum dated 08.04.2009 by the Ministry of Home Affairs for initiating disciplinary proceedings under rule 8 of the All India Services (Discipline & Appeal) Rules, 1969. The memorandum was accompanied with the articles of charge, statement of imputations, list of witnesses and documents etc. The applicant submitted her reply to the charge memorandum on 15.06.2009, after asking for some documents etc. An additional reply dated 27.11.2009 was submitted to the questionnaire dated 20.11.2009 served upon her. The respondents instituted a departmental inquiry on 13.08.2009. While these proceedings were pending, another charge memorandum dated 14.05,2010 was served upon the applicant. It is alleged that the second charge memorandum was based upon the earlier charges, as contained in the first memorandum dated 08.04.2009. The applicant submitted another reply dated 07.06.2010. The inquiring authority on completion of the inquiry, submitted the inquiry report dated 19.09.2010. The disciplinary authority obtained the CVC advice, and copy of the CVC advice dated 16.12.2010 was also served upon the applicant. The applicant submitted representation dated 22.02.2011 against the inquiry report and the CVC advice. The disciplinary authority obtained UPSC's advice, which was rendered on 29.04.2014. UPSC recommended penalty of removal from service. Copy of the UPSC's advice was served upon the applicant. She submitted interim reply dated 25.08.2014 against the UPSC advice to MHA. She also submitted a letter dated 15.09.2014 to the Home Minister. Some further representations were submitted by the applicant. The applicant filed OA No.1228/2016 before this Tribunal seeking a direction to*

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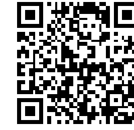

supply copy of the fresh advice of UPSC, which appears to have been obtained by the respondents later, with further direction to consider the representation of the applicant against the subsequent advice of UPSC. This OA was disposed of with the following order:

> *"Having heard the learned counsel for the applicant, having gone through the record with his valuable assistance, the main OA is disposed of with a direction to respondent no.2 to supply the copy of advice of UPSC to the applicant as per instructions of G.I., Dept of Per. Trg., OM No.11012/8/2011-Estt.(A), dated 5-3-2014 (Annexure-A/25) before passing the final order in disciplinary proceedings against her."*

7. Pursuant to the aforesaid directions issued by the learned Tribunal in OA No.1228/2016, the advice subsequently tendered by the Union Public Service Commission [hereinafter referred to as 'UPSC'] was furnished to the Respondent, who submitted further representation in opposition thereto. Thereafter, the MHA purporting to act as the disciplinary authority in respect of the Respondent, proceeded to pass the final order imposing the penalty of removal from service.

8. Aggrieved by the initiation as well as culmination of the disciplinary proceedings at the instance of the MHA, the Respondent approached the Tribunal by way of the Original Application being O.A. No.1528/2016, *inter alia*, contending that the MHA was not the competent disciplinary authority in respect of a member of the IAS borne on the AGMUT Joint Cadre. It was asserted that the JCA, constituted in terms of the relevant cadre rules, alone was vested with the jurisdiction to exercise disciplinary control, and that the MHA could not have assumed such authority in the absence of a valid and lawful delegation in accordance with the statutory framework governing the All India Services.

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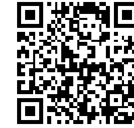

9. The principal contention urged before the Tribunal was that the impugned disciplinary proceedings stood vitiated at their inception for want of jurisdiction, inasmuch as the charge memorandum itself had been issued by an authority lacking competence in law. It was further contended that the subsequent steps in the proceedings, including the conduct of the inquiry, the consultation with the Central Vigilance Commission [‘CVC’] and the UPSC, and the passing of the final order of penalty, were all rendered *non est* in the eye of law, being founded upon an invalid assumption of authority.

10. On the other hand, the Petitioners [Respondents before the Tribunal], defended the action of the MHA by contending that, in respect of the AGMUT Joint Cadre, the Central Government, acting through the MHA, was empowered to exercise disciplinary control, either in its own right or as a validly authorised delegate of the JCA. It was urged that the scheme of the All India Services Act, 1951 [hereinafter referred to as ‘Act of 1951’] and the rules framed thereunder contemplated such an arrangement, particularly having regard to the special nature of the AGMUT Cadre, which comprises multiple States and Union Territories.

11. The Tribunal, upon consideration of the rival submissions and the relevant statutory provisions, proceeded to examine the legal framework governing the constitution of Joint Cadres and the exercise of disciplinary powers in respect of members of the All India Services. The Tribunal adverted to the provisions of the Act of 1951, the Indian Administrative Service (Cadre) Rules, 1954 [hereinafter referred to as ‘1954 Rules’], and the 1969 Rules, in order to determine the locus of disciplinary authority in the context of the AGMUT Joint Cadre.

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12. Ultimately, by the Impugned Order, the Tribunal came to the conclusion that the MHA could not have assumed the role of disciplinary authority in respect of the applicant in the absence of a legally sustainable delegation by the JCA in terms of the applicable statutory provisions. Consequently, the Tribunal allowed the Original Application and set aside the disciplinary proceedings, including the final order of penalty, on the ground of lack of competence.

13. It is this determination of the Tribunal, holding that the MHA was not competent to initiate and conclude disciplinary proceedings against a member of the AGMUT Joint Cadre, which forms the subject matter of challenge in W.P.(C) 6699/2018. As noticed hereinabove, the subsequent Petition, W.P.(C) 14025/2025, arises in a similar factual backdrop, where the initiation of disciplinary proceedings by issuance of a Memorandum of Charges by the MHA was interdicted by the Tribunal, following its earlier decision embodied in the Impugned Order.

14. The above narration encapsulates the factual backdrop relevant for adjudication of the core legal issue arising in the present batch of Petitions. The controversy thus centres not upon the merits of the allegations levelled against the concerned officers, but upon the anterior and foundational question of jurisdiction, namely, whether the MHA, purporting to act as a delegatee of the JCA, was vested with the requisite statutory competence to initiate and carry forward disciplinary proceedings under the 1969 Rules against members of the AGMUT Joint Cadre.

The correctness of this conclusion must be tested against the statutory

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scheme governing Joint Cadres.

STATUTORY FRAMEWORK:

15. Before adverting to the rival submissions, it is necessary to examine the constitutional and statutory scheme governing the creation of services and the disciplinary control exercisable over members of the All India Services.

16. The Constitution of India contemplates two distinct categories of public services under the scheme of Schedule VII, namely:

a. Services of Union (Entry 70, List I, Schedule VII); and

b. Services of State (Entry 41, List II, Schedule VII).

17. In addition to the aforesaid, Article 312 of the Constitution of India empowers Parliament to create one or more All India Services common to the Union and the States. It is in exercise of this constitutional mandate that Parliament enacted the Act of 1951, which constitutes the principal legislation regulating recruitment and conditions of service of members of the All India Services.

18. Section 3 of the Act of 1951 confers power upon the Central Government, after consultation with the Governments of the States concerned, to make rules for the regulation of recruitment and conditions of service of persons appointed to an All India Service.

19. In exercise of the powers under Section 3 of the Act of 1951, the Central Government has framed, *inter alia*:

a. the Indian Administrative Service (Cadre) Rules, 1954;

b. the All India Services (Discipline & Appeal) Rules, 1969;

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c. the All India Services (Joint Cadre) Rules, 1972.

20. In the 1954 Rules, the concept of a JCA was introduced by way of amendment in the year 1972. Clause (d) was inserted in Rule 2, which provides as under:

> *"2(d) State Government concerned, in relation to a Joint cadre, means the Joint Cadre Authority."*

21. The significance of the aforesaid insertion cannot be understated. By virtue of this statutory substitution, wherever the expression "State Government concerned" occurs in the context of a Joint Cadre under the 1954 Rules, the same stands replaced by the JCA. The provision effects a statutory substitution whereby the JCA steps into the shoes of the State Government for purposes referable to a Joint Cadre.

22. Rule 3 of the 1954 Rules deals with the constitution of cadres. Sub-rule (2) thereof enables the constitution of a Joint Cadre and reads as under:

> *"3. Constitution of Cadres – 3(1) There shall be constituted for each State or group of States an Indian Administrative Service Cadre.*
>
> *3(2) The Cadre so constituted for a State or a group of States is hereinafter referred to as a 'State Cadre' or, as the case may be, a 'Joint Cadre'."*

23. Thus, the statutory scheme clearly contemplates that a cadre may either be State-specific or common to a group of States. In the latter eventuality, the cadre assumes the character of a Joint Cadre, necessitating a mechanism for collective decision-making on matters concerning its administration and control.

24. The disciplinary framework governing members of the All India Services is contained in the 1969 Rules. Rule 2(e) thereof defines

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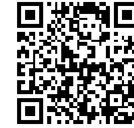

"State Government concerned" in relation to a Joint Cadre in the following terms:

> *"2(e) 'State Government concerned' in relation to a joint cadre, means the Government of all the States for which the joint cadre is constituted and includes the Government of a State nominated by the Government of all such States to represent them in relation to a particular manner."*

25. A plain reading of Rule 2(e) of the 1969 Rules makes two aspects clear. First, in relation to a Joint Cadre, the disciplinary authority is not an individual State Government, but the collective Governments of all constituent States. Second, the Rule expressly contemplates nomination, that is to say, the Governments of all such States may authorise one among them to represent them "in relation to a particular manner". The statutory text itself, therefore, recognises and permits authorisation for the purpose of exercising disciplinary functions.

26. The All India Services (Joint Cadre) Rules, 1972 [hereinafter referred to as 'the 1972 Rules'] were framed to operationalise the concept of Joint Cadres. Rule 2(a) defines the JCA as the Committee of Representatives referred to in Rule 4. The relevant provisions read as under:

> *2. Definitions - In these rules, unless the context otherwise requires,-*
>
> > *a) "Joint Cadre Authority" means the Committee of Representatives referred to in rule 4.*
> >
> > *b) "Constituent States" means the States in respect of which a Joint Cadre is formed.*

27. Rule 3 of the 1972 Rules assumes particular importance. It provides:

> *"3. Application of rules under the All India Services Act to members of All India Services borne on, and posts included in Joint Cadres. -*

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Subject to the amendments made by rule 6, all rules made under the All-India Services Act, 1951 (61 of 1951) and for the time being, in force, shall apply in relation to the members of the All-India Services borne on the Joint Cadres of these Services and in relation to the posts under the control of the Constituent States."

28. The effect of Rule 3 is that, save and except for specific amendments contemplated under Rule 6, the entire body of rules framed under the Act of 1951, including the 1969 Rules, applies *proprio vigore* to members borne on a Joint Cadre. There is no amendment under Rule 6 curtailing the disciplinary powers otherwise available under the 1969 Rules.

29. Rule 4 of the 1972 Rules provides for the constitution of the JCA as a Committee consisting of representatives of each of the Governments of the Constituent States. Rule 5 delineates the duties and functions of the JCA, primarily in relation to allocation of officers and determination of periods of service in connection with the affairs of each Constituent State. Rules 4 & 5 of the 1972 Rules are reproduced as under:

"4. Committee of representatives –

1) There shall be a Committee consisting of a representative of each of the Governments of the Constituent States, to be called the Joint Cadre Authority.

2) The representatives of the Governments of the Constituent States may either be members of an All-India Service or Ministers in the Council of Ministers of the Constituent States, as may be specified by the Governments of the Constituent States.

5. Duties and functions of the Joint Cadre Authority.-

1) The Joint Cadre Authority shall determine the names of the members of the All-India Services, who may be required to serve from time to time in connection with the affairs of each of the Constituent States and the period or periods for which their services shall be available to that Government.

2) Where there is a disagreement on any matter among the

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> *members of the Joint Cadre Authority, the matter shall be referred to the Central Government for decision and the Governments of the Constituent States shall give effect to the decision of the Central Government.*

30. It is necessary to appreciate that Rule 5 of the 1972 Rules does not purport to be an exhaustive enumeration of all statutory powers that may be exercised by the JCA once it stands substituted as the "State Government concerned" under the 1954 Rules and the 1969 Rules. Rule 5 delineates certain cadre-management functions. Whether disciplinary competence flows independently from the 1969 Rules, by virtue of the definitional framework, is an issue which will be examined in the analysis.

31. The historical context in which the 1972 Rules were framed also assumes relevance. In the year 1972, the State of Meghalaya was carved out from the territory of Assam, and the Union Territories of Manipur and Tripura were elevated to the status of States. These structural changes necessitated the formalisation of Joint Cadre arrangements and corresponding amendments in the 1954 Rules.

32. It is also pertinent to note that, prior to 1969, there was no Joint Cadre of two full-fledged States. The only Joint Cadre arrangement existed between two Union Territories, namely the Himachal Pradesh, Delhi Joint Cadre, which was dissolved in 1967 and substituted with effect from 01.01.1968 by the Union Territories Cadre. Himachal Pradesh attained full statehood in 1971, whereas Delhi continues to be a Union Territory (now the National Capital Territory of Delhi).

33. The AGMUT Cadre, comprising Arunachal Pradesh, Goa, Mizoram and various Union Territories, represents a unique and

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composite Joint Cadre arrangement. Over time, its composition has undergone change, including the merger of the erstwhile Jammu & Kashmir Cadre pursuant to the Jammu and Kashmir Reorganisation Act, 2019. The multiplicity of constituent units underscores the necessity of a coordinated mechanism for exercising disciplinary control.

34. In exercise of the powers under the 1954 Rules as amended, the Government of India constituted the JCA by Notification dated 03.04.1989. The composition was subsequently reconstituted in 1995. The JCA thus comprises representatives of the Constituent States as well as representatives of the Union Territories through the MHA. The same reads as under:

> *a) Secretary, Ministry of Home Affairs (representing Union Territories in respect of the Indian Administrative Service and Indian Police Service)*
>
> *b) Chief Secretary, Arunachal Pradesh*
>
> *c) Chief Secretary, Goa*
>
> *d) Chief Secretary, Mizoram*
>
> *e) Chief Secretary, Delhi*
>
> *f) Inspector General of Forests, Ministry of Environment and Forests (representing Union Territories in respect of the Indian Forest Service)*
>
> *g) Joint Secretary. (Union Territories Division) Ministry of Home Affairs (Convener in respect of the Indian Administrative Service and Indian Police Service)/ Joint Secretary (in charge of Indian Forest Service Cadre Management), Ministry of Environment and Forests (Convener in respect of Indian Forest Service)*

35. In October, 1989, having regard to practical and administrative difficulties in convening meetings of the JCA for every vigilance and disciplinary matter, a Resolution was passed authorising the Ministry of Home Affairs to take decisions in matters pertaining to vigilance

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cases and departmental proceedings concerning members of the AGMUT Cadre. This arrangement was reiterated by Notification dated 22.11.2017, recording the decision of the JCA to continue the nomination of the MHA to function in such capacity.

CONTENTIONS OF THE PARTIES:

36. Contentions of the Petitioner/Union of India:

36.1 Learned counsel for the Petitioner/ Union of India assailed the Impugned Order passed by the Tribunal on the ground that the Tribunal has proceeded on an erroneous interpretation of the statutory framework governing the All India Services and, in particular, the scheme relating to Joint Cadres under the Act of 1951 and the Rules framed thereunder.

36.2 It was contended that the dispute before the Tribunal arose in the context of the AGMUT Cadre, to which the Respondent officer belongs. The principal contention raised by the Respondent before the Tribunal was that since the alleged incident occurred while she was serving in the State of Arunachal Pradesh, only the Government of Arunachal Pradesh could have initiated disciplinary proceedings against her, and that the MHA lacked competence to do so.

36.3 It was submitted that the core issue requiring determination was whether a joint decision of all the constituents of the AGMUT Joint Cadre, namely Arunachal Pradesh, Goa, Mizoram and the Union Territories (represented through MHA in terms of the Allocation of Business Rules), to nominate MHA as the disciplinary authority in respect of members of the entire AGMUT Cadre suffers from any

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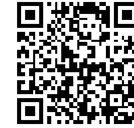

illegality or lack of authority.

36.4 Challenge to the Tribunal's Findings- It was contended that the Tribunal erred in holding that the powers of the JCA are confined to the functions expressly enumerated in Rule 5 of the 1972 Rules, and that since disciplinary proceedings are not specifically mentioned therein, the JCA lacks authority in such matters. The Tribunal further held that the JCA is not authorised under the 1969 Rules to initiate disciplinary proceedings and, therefore, could not delegate such power to MHA. Consequently, MHA was held to be an unauthorised delegatee.

36.5 It was further held that in the absence of any amendment in the Joint Cadre Rules or the Discipline & Appeal Rules pursuant to the formation of the AGMUT Cadre, no delegation in favour of MHA could be sustained and that disciplinary proceedings must necessarily be initiated by the Government of the State where the officer was posted at the relevant time. Accordingly, it was submitted that the aforesaid reasoning proceeded on an unduly restrictive reading of the statutory framework.

36.6 Constitutional and Structural Context- It was urged that the Tribunal failed to appreciate the constitutional position that there exists no independent category of "services of Union Territories." Officers serving in Union Territories function in connection with the affairs of the Union under Article 309 of the Constitution. Union Territories are represented through the MHA under the Government of India (Allocation of Business) Rules, 1961. In the context of a composite Joint Cadre such as AGMUT, the Union Territories

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constitute one of the constituent units, represented through MHA. Consequently, MHA participates in the JCA not as an external authority, but as a constituent representative.

36.7 Evolution of the Joint Cadre Concept- It was submitted that the concept of JCA was formally introduced in the 1954 Rules in the year 1972 by insertion of Rule 2(d), whereby the expression "State Government concerned" in relation to a Joint Cadre was defined to mean the JCA. It was contended that even prior to 1972, the 1969 Rules contemplated a Joint Cadre of Union Territories and recognised, under Rule 2(e), the power of constituent Governments to nominate one among them to represent them in relation to a particular matter.

36.8 It was submitted that although the 1972 Rules excluded the erstwhile Joint Cadre of Union Territories from their application, Rule 2(e) of the 1969 Rules continued to remain on the statute book and thereby retained the principle of nomination inter se constituent Governments of a Joint Cadre. It was further submitted that the proviso inserted in Rule 7 of the 1969 Rules in 1972, contemporaneously with the introduction of the Joint Cadre Rules, recognised the role of the JCA in disciplinary matters concerning members borne on a Joint Cadre.

36.9 Constitution and Composition of AGMUT Cadre- It was submitted that upon formation of the AGMUT Cadre in 1987, the erstwhile singular Union Territories Cadre merged as one constituent unit along with three newly elevated States, namely Arunachal Pradesh, Goa and Mizoram. By virtue of Rule 2(d) of the 1954 Rules, in relation to a Joint Cadre, the "State Government concerned" stands

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substituted by the JCA. Accordingly, disciplinary authority in relation to a Joint Cadre cannot be read as confined to an individual State Government acting in isolation.

36.10 Power of Nomination and the 1989 Resolution- It was submitted that there is nothing in the Act of 1951 or in the Rules framed thereunder that prohibits the constituent Governments of a Joint Cadre from nominating one among them to act on behalf of all in relation to a particular matter. Reliance was placed upon Rule 2(e) of the 1969 Rules, which expressly includes within the expression "State Government concerned" the Government of a State nominated by all such Governments to represent them in relation to a particular matter. In this background, it was submitted that in October 1989, the four constituents of the AGMUT Cadre, acting through the JCA, passed a Resolution authorising MHA (UT Division) to deal with matters pertaining to vigilance cases and departmental proceedings, in the interest of maintaining uniformity in decision-making and morale of service officers.

36.11 It was contended that although the expression "delegation" appears in parts of the Resolution, the arrangement is in substance one of nomination inter se constituent members and not delegation to an external authority. MHA, being one of the four constituents representing Union Territories, cannot be regarded as a stranger to the Cadre. The said arrangement, it was submitted, was reaffirmed by Notification dated 22.11.2017, recording the decision of the JCA to continue the nomination of MHA to function as disciplinary authority in respect of IAS and IPS officers of the AGMUT Cadre.

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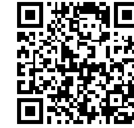

36.12 Interpretation of Rule 5 of the 1972 Rules- It was submitted that the Tribunal has given an unduly narrow construction to Rule 5 of the 1972 Rules by treating it as an exhaustive enumeration of the powers of the JCA as Rule 5 delineates certain duties and functions but does not constitute the sole source of power of the JCA. The powers of the JCA must be read collectively from Rules 2(a), 3, 4 and 5 of the 1972 Rules, along with the 1954 Rules and the 1969 Rules. Particular emphasis was placed on Rule 3 of the 1972 Rules, which makes all Rules framed under the Act of 1951 applicable to members borne on a Joint Cadre. It was submitted that the disciplinary powers traceable to the 1969 Rules apply equally to Joint Cadres.

36.13 Interpretation of the Discipline & Appeal Rules, 1969- It was submitted that Rule 2(c) of the 1969 Rules identifies the Government with which a member is associated based on his posting, whereas Rule 2(e) addresses the collective identity of Governments constituting a Joint Cadre and expressly permits nomination in favour of one among them. It was contended that there is no conflict between Rule 2 and Rule 7 of the 1969 Rules. Rule 7(1)(b)(i) employs the expression "Government of that State" for purposes of identifying the Government under whose affairs the officer was serving, whereas Rule 2(e) governs the collective disciplinary authority in relation to a Joint Cadre.

36.14 In the context of AGMUT, it was submitted that MHA, representing the Union Territories, is as much a "State Government concerned" as the Governments of Arunachal Pradesh, Goa and Mizoram. It was further submitted that the proviso to Rule 7, requiring consultation with the JCA, would apply only in a situation where no

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nomination has been made. Once the constituent Governments have nominated MHA to act on behalf of all in disciplinary matters, no further consultation is warranted.

36.15 Response to Allocation of Business Argument- It was submitted that reliance placed on the Allocation of Business Rules of the State of Arunachal Pradesh is misplaced. Those Rules merely distribute business internally among departments of the State Government and cannot override a specific decision taken by the State in its capacity as a constituent member of the JCA to nominate MHA in disciplinary matters.

36.16 Concluding Submission- In sum, it was submitted that the nomination of MHA by all constituent Governments of the AGMUT Cadre is consistent with the statutory framework under the Act of 1951, the 1954 Rules, the 1972 Rules and the 1969 Rules, and that the Impugned Order, in holding otherwise, suffers from a fundamental misappreciation of the scheme of Joint Cadre administration.

37. Contentions of the Respondent:

37.1 *Per contra*, learned counsel for the Respondent supported the Impugned Order passed by the learned Tribunal and submitted that the Tribunal has correctly appreciated the statutory framework governing disciplinary control over members of the All India Services borne on a Joint Cadre. It was contended that the initiation of disciplinary proceedings by the MHA was wholly without jurisdiction and contrary to the express scheme of the All India Services Act, 1951 and the Rules framed thereunder.

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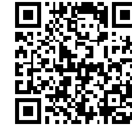

37.2 <u>Core Jurisdictional Objection</u>- It was submitted that the Respondent, an officer of the AGMUT Cadre of the IAS, was at the relevant time serving in connection with the affairs of the State of Arunachal Pradesh, and the alleged misconduct pertains to that tenure. In terms of Rule 7(1)(b)(i) of the 1969 Rules, the Government under whose affairs the member was serving at the time of commission of the alleged act or omission "shall alone" be competent to institute disciplinary proceedings. It was emphasised that the use of the expression "shall alone" in Rule 7 is explicit, mandatory and exclusionary. It leaves no scope for substitution of the disciplinary authority by way of executive arrangement or inter se understanding between constituents of a Joint Cadre.

37.3 The principal issue, as framed by the Respondent, was whether in the absence of an express statutory amendment to the 1969 Rules, the disciplinary authority prescribed therein can be substituted by a Resolution or minutes of the JCA. It was submitted that the answer must be in the negative.

37.4 <u>No Disciplinary Power Conferred upon the JCA</u>- It was submitted that while the Discipline and Appeal framework existed since 1955 (and subsequently under the 1969 Rules), the concept of a JCA was introduced only in 1972 through the 1972 Rules. Attention was drawn to Rule 5 of the 1972 Rules, which defines the duties and functions of the JCA. A plain reading of Rule 5 shows that the only power conferred upon the JCA is to determine the names of members required to serve in connection with the affairs of each constituent State and the period of such service. No disciplinary power is either expressly or impliedly conferred.

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37.5 It was submitted that upon the introduction of the 1972 Rules, the Rule-making Authority undertook a series of consequential amendments across various All India Service Rules to align them with the newly introduced Joint Cadre framework. It was pointed out that amendments were carried out in as many as 27 sets of Rules governing members of the All India Services. In 12 of those Rules, the definition of the expression "State Government concerned" was specifically amended so as to mean "Joint Cadre Authority" in relation to a member borne on a Joint Cadre. It was emphasised that such express textual substitution demonstrates that wherever the Rule-making Authority intended the JCA to step into the position of the "State Government concerned", it did so by explicit amendment. Significantly, however, no corresponding amendment was made in the 1969 Rules. The deliberate omission to amend the 1969 Rules, despite amending several other Rules contemporaneously, was argued to be indicative of legislative intent not to confer disciplinary powers upon the JCA.

37.6 Limited Role of JCA under the 1969 Rules- It was submitted that the only amendment introduced in the 1969 Rules following the 1972 Joint Cadre framework was the insertion of a proviso to Rule 7(3), which mandates consultation with the JCA before imposition of any penalty upon a member borne on a Joint Cadre. According to the Respondent, this requirement of consultation indicates that the JCA was not intended to function as the disciplinary authority. It was contended that if the JCA were itself the disciplinary authority, there would be no occasion for the "punishing Government" to consult it, as that would amount to an authority consulting itself. On this basis, it

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was urged that construing the JCA as the punishing or disciplinary authority would render the proviso otiose and would be contrary to settled principles of statutory interpretation that no provision of a statute ought to be rendered redundant.

37.7 Legislative Intent Reflected in the 1975 Amendments- Detailed reliance was placed upon the amendments carried out in 1975 to Rule 2(c) and Rule 7 of the 1969 Rules. It was submitted that by GSR No. 872 dated 19.07.1975, the legislature introduced a comprehensive definition of "Government" in Rule 2(c) and bodily incorporated the same phraseology in Rule 7. The post-amendment position makes it clear that where an officer is serving in connection with the affairs of a State, "the Government of that State" alone is competent to initiate proceedings. It was argued that the deliberate use of identical language in Rule 2(c) and Rule 7 demonstrates legislative clarity and removes any ambiguity as to disciplinary competence.

37.8 Distinction between "Government of that State" and "State Government concerned"- Learned counsel emphasised the distinction between the expressions "Government of that State" and "State Government concerned" used in different parts of the 1969 Rules. Rule 7 uses the expression "Government of that State", whereas Rule 2(e) defines "State Government concerned" in relation to a Joint Cadre. The two expressions are distinct and consciously employed. It was submitted that settled law holds that where the legislature uses different expressions in the same statute, they must be presumed to have different meanings. Reliance was placed on decisions including:

i. ***DLF Qutab Enclave Complex Educational Charitable Trust v. State of Haryana***; (2003) 5 SCC 622;

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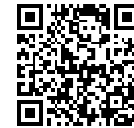

ii. ***Bipinchandra Parshottamdas Patel v. State of Gujarat***; (2003) 4 SCC 642; and

iii. ***CCE v. Amrital Chemaux Ltd.***; (2016) 13 SCC 509

It was thus contended that Rule 2(e) cannot be read into Rule 7 so as to substitute the expressly designated authority.

37.9 No Sub-Delegation Permissible- Without prejudice, it was argued that even assuming the JCA possessed disciplinary power (which is though denied), the alleged delegation to MHA *vide* minutes of October 1989 would constitute impermissible sub-delegation. It was submitted that neither the 1969 Rules nor the 1972 Rules confer any power of sub-delegation upon the JCA. The maxim *delegatus non potest delegare* squarely applies. It was further contended that there can be no ratification of an ultra vires act, placing reliance upon ***Marathwada University v. Shesrao Balwant Rao Chavan***[1].

37.10 Infirmities in the 1989 Minutes and 2017 Notification- Learned counsel submitted that the minutes of October 1989 are undated, unsigned by all constituents, and were not followed by any statutory notification. Two constituents had not signed the minutes, and not all had participated. It was further submitted that similar reliance on the said minutes was rejected by the Central Administrative Tribunal, Bombay Bench in ***Atma Ram Deshpande v. Secretary, MHA***[2]. The Notification dated 22.11.2017 was argued to be merely declaratory of the earlier arrangement and lacking statutory foundation.

37.11 Appeal Structure under Rule 16- It was submitted that Rule 16 of the 1969 Rules provides a statutory appeal to the Central

[1] (1989) 3 SCC 132

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Government against penalties imposed by the State Government. If MHA (representing the Central Government) were to exercise original disciplinary authority, the statutory right of appeal would be rendered illusory. Such deprivation of a substantive right is impermissible.

37.12 Consistent Administrative Practice and Business Rules- It was submitted that the Business of the Government of Arunachal Pradesh (Allocation) Rules, 1998, framed under Article 166 of the Constitution, vest disciplinary control over IAS/IPS/IFS officers serving the State in the Vigilance Department of the State Government. The continued exercise of such powers by the State demonstrates that no delegation to MHA ever took effect. Reference was also made to Office Memoranda dated 09.06.1995 and 13.02.2014 issued by DoPT clarifying that disciplinary proceedings are to be initiated by the Government in connection with whose affairs the officer was serving.

37.13 Comparative Practice in Other Joint Cadres- It was submitted that in the Assam-Meghalaya Joint Cadre, disciplinary proceedings are initiated by the Government of the State where the officer was serving, and not by all constituent Governments collectively. This administrative practice, it was contended, reinforces the interpretation that Rule 7 operates with reference to the Government of the State concerned at the relevant time.

37.14 Distinction between Joint Cadre and Joint Cadre Authority- Even assuming Rule 2(e) were attracted, it was argued that the definition refers to “Joint Cadre” and not “Joint Cadre Authority.” The

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[2] O.A.No. 450/2013

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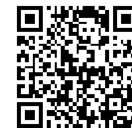

two are distinct in notification, constitution and source of power. The Petitioners themselves had submitted before the Tribunal that Joint Cadre and Joint Cadre Authority should not be conflated.

37.15 Constitutional Balance- Reliance was placed upon ***Government of NCT of Delhi v. Union of India***[3], to submit that federal balance mandates that the Union does not usurp powers falling within the exclusive domain of the States.

37.16 Concluding Submission- In sum, it was submitted that:

i. The 1969 Rules expressly vest disciplinary power in the Government of the State under whose affairs the officer was serving;

ii. No statutory amendment confers such power upon the JCA;

iii. The JCA cannot assume such power by implication;

iv. Sub-delegation to MHA is impermissible;

v. The 1989 minutes lack statutory force; and

vi. Acceptance of the Petitioners' contention would render multiple statutory provisions otiose and destroy the appellate framework.

It was therefore submitted that the Tribunal rightly held that MHA lacked jurisdiction to initiate disciplinary proceedings against the Respondent and the Impugned Order warrant no interference.

ANALYSIS & FINDINGS:

38. This Court has carefully considered the rival submissions

[3] (2018) 8 SCC 501

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advanced on behalf of the parties, perused the material placed on record and examined the statutory scheme governing the Indian Administrative Service in relation to Joint Cadres.

39. From a perusal of the Impugned Order dated 22.03.2018, which constitutes the lead decision in the present batch of Petitions, the following principal reasons weighed with the Tribunal in holding that the MHA lacked competence to initiate and conclude disciplinary proceedings in respect of members of the AGMUT Joint Cadre:

i. That the duties and functions of the JCA, as prescribed under Rule 5 of the 1972 Rules, do not expressly include the power to initiate disciplinary proceedings, and therefore such power falls beyond its statutory purview;

ii. That the Resolution dated October, 1989 authorising the MHA to take decisions in vigilance and departmental matters was signed only by two members and could not be treated as a valid decision of the JCA;

iii. That the JCA is not contemplated or empowered under the 1969 Rules to act as a Disciplinary Authority in the absence of an independent conferment of such power under the 1972 Rules;

iv. That in view of the proviso to Rule 7 (read with Rule 3) of the 1969 Rules, the only restriction upon the State Government in imposing a penalty upon a member of a Joint Cadre is consultation with the JCA, and not substitution by it;

v. That the functions of a Joint Cadre and those of the JCA operate in distinct spheres and for different purposes;

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vi. That in the absence of a substantive statutory source of authority, any resolution or notification purporting to confer disciplinary power upon the JCA would be ultra vires;

vii. That the decision dated 11.07.2014 in O.A. No. 4293/2012 (***J.K. Sharma v. Union of India & Ors.***) was distinguishable, whereas reliance was placed upon the decision in O.A. No. 450/2013 (***Atma Ram Deshpande v. Secretary, MHA***);

viii. That if the MHA were to function as the Disciplinary Authority, the statutory right of appeal to the Central Government would stand rendered illusory.

40. In order to examine the correctness of the aforesaid conclusions, it becomes necessary to undertake a conjoint and harmonious reading of Rule 2(d) of the 1954 Rules and Rule 2(e) of the 1969 Rules.

41. As noticed hereinabove, Rule 2(d) of the 1954 Rules stipulates that the expression "State Government concerned", in relation to a Joint Cadre, shall mean the JCA. The device employed is one of definitional substitution rather than mere consultation. Wherever the rules governing cadre administration refer to the "State Government concerned" in the context of a Joint Cadre, the JCA stands statutorily interposed in its place. Rule 2(e) of the 1969 Rules, which governs disciplinary proceedings, defines "State Government concerned" in relation to a Joint Cadre as the Government of all the States for which the Joint Cadre is constituted, and further includes the Government of a State nominated by all such Governments to represent them in relation to a particular matter.

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42. A conjoint reading of the two provisions yields two distinct but complementary consequences. First, in the case of a Joint Cadre, disciplinary authority cannot be understood as vesting exclusively in an individual constituent State acting independently of the Joint Cadre framework, but in the collective Governments of all the constituent States. Second, the statute itself contemplates authorisation, that is to say, the collective Governments may nominate one among them to represent the others in relation to a specified matter.

43. Once Rule 2(d) of the 1954 Rules substitutes the JCA in place of the "State Government concerned" in relation to a Joint Cadre, and Rule 2(e) of the 1969 Rules recognises the power of nomination by the collective Governments, the statutory scheme reveals that the JCA operates as the institutional embodiment of the collective will of the constituent States. It would, therefore, be doctrinally incorrect to treat Rule 5 of the 1972 Rules as the source of disciplinary power. Rule 5 merely enumerates certain cadre-management functions of the JCA. The source of disciplinary power lies in the 1969 Rules, which apply *proprio vigore* to members borne on a Joint Cadre by virtue of Rule 3 of the 1972 Rules.

44. The absence of an express reference to "disciplinary proceedings" in Rule 5 of the 1972 Rules cannot be construed as a prohibition. The 1972 Rules were framed to provide a structural mechanism for administration of Joint Cadres. They do not create or extinguish substantive disciplinary jurisdiction, which is governed exclusively by the 1969 Rules framed under Section 3 of the Act of 1951. Thus, once the expression "State Government concerned" stands replaced, in relation to a Joint Cadre, by the JCA, and once the

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1969 Rules confer disciplinary powers upon the "State Government concerned", it necessarily follows that, in the context of a Joint Cadre, such powers are exercisable through the JCA.

45. Further, Rule 2(e) of the 1969 Rules expressly contemplates that the Governments of all constituent States may nominate one among them to represent them in relation to a particular matter. The statutory framework, therefore, itself envisages authorisation and representation in the exercise of disciplinary functions.

46. In that backdrop, the Resolution of October, 1989 and the subsequent Notification dated 22.11.2017 must be understood not as conferring an otherwise non-existent power, but as operationalising the statutory scheme by designating the MHA to act on behalf of the collective authority in vigilance and disciplinary matters pertaining to the AGMUT Joint Cadre.

47. Rule 7 Objection- The principal textual objection urged on behalf of the Respondent rests upon the language employed in Rule 7 of the 1969 Rules. It is contended that Rule 7 refers to the "Government of that State" and not to the expression "State Government concerned". According to the Respondent, since Rule 2(e) defines only "State Government concerned", the definitional substitution cannot extend to Rule 7, and consequently the Joint Cadre Authority cannot be read into that provision.

48. The submission, though attractive at first blush, does not withstand a closer examination of the scheme of the Rules.

48A. Learned counsel for the Respondent placed reliance upon

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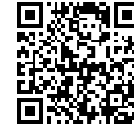

decisions of the Supreme Court in ***DLF Qutab Enclave*** (supra), ***Bipinchandra Parshottamdas Patel*** (supra) and, ***Amrital Chemaux Ltd.*** (supra), to contend that where the legislature employs different expressions within the same statutory instrument, it must be presumed that such expressions are used deliberately and are intended to bear different meanings.

49. There can be no quarrel with the aforesaid proposition. It is a settled canon of statutory interpretation that legislative variation in phraseology ordinarily signals variation in meaning, and courts must be slow to treat distinct expressions as interchangeable. However, the application of that principle is not mechanical. The presumption operates subject to context and the internal structure of the statute. Where the statutory scheme contains an overarching definitional clause, particularly one opening with the expression "unless the context otherwise requires", the meaning of expressions used in different provisions must be gathered harmoniously and not in isolation.

50. In the present case, Rule 2(e) of the 1969 Rules furnishes the interpretative key in relation to a Joint Cadre. The expression "State Government concerned" is defined in relation to such cadre as the collective Governments of the constituent States, including a Government nominated to represent them in relation to a particular matter. The scheme therefore contemplates structured and representative exercise of authority. The expression "Government of that State" in Rule 7 cannot be construed as denoting a wholly distinct and insulated authority divorced from the definitional framework of the Rules. The provision does not purport to create a new category of

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authority; it merely identifies the Government competent in relation to the cadre to which the officer is borne. In the case of a Joint Cadre, that competence must necessarily be understood through the structural mechanism recognised by the Rules.

51. The decisions relied upon by the Respondent were rendered in materially different statutory contexts and did not concern a composite cadre structure governed by interlocking definitional and substitution clauses. They do not lay down that distinct expressions must invariably be interpreted in isolation even where such construction would defeat the operational coherence of the statutory scheme. The principle, therefore, does not advance the Respondent's contention in the present case.

52. The 1969 Rules are a self-contained code governing disciplinary control over members of the All India Services. Rule 2 opens with the expression "In these rules, unless the context otherwise requires". Clause (e) thereof defines "State Government concerned", in relation to a Joint Cadre as meaning the Governments of all the States for which the Joint Cadre is constituted and includes the Government of a State nominated by all such Governments to represent them in relation to a particular matter. The identity of the competent authority under Rule 7 must therefore be understood in the light of this definitional framework.

53. The expression "Government of that State" occurring in Rule 7 cannot be read in isolation. In service jurisprudence, particularly in relation to All India Services, the Government of a State acts through the authority designated under the governing statutory scheme. Where

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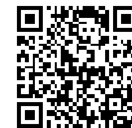

the cadre is a Joint Cadre constituted under the Indian Administrative Service (Cadre) Rules, 1954, disciplinary control is necessarily exercised in accordance with the structural arrangement created for such cadre.

54. It is significant that Rule 7 does not purport to create an independent source of disciplinary authority. It merely identifies the authority competent to institute proceedings in respect of a member serving in connection with the affairs of a State. The identity of that authority must, therefore, be gathered from the definitional and structural provisions of the Rules read harmoniously with the Cadre Rules.

55. Considerable reliance was placed by the Respondent upon the first proviso to Rule 7(3) of the 1969 Rules, which stipulates that in relation to members borne on a Joint Cadre, the "punishing Government shall consult the JCA" before imposing any penalty. A careful reading of Rule 7(3), however, reveals that the main provision itself operates only in a specific contingency, namely where the punishing Government is not the Government on whose cadre the member is borne. The obligation of consultation arises in that limited inter-governmental situation. The first proviso does not create an independent source of authority, nor does it define the identity of the disciplinary authority. It merely regulates the procedural requirement of consultation in the event that one Government proposes to impose a penalty upon a member borne on a Joint Cadre. The existence of such a consultative requirement cannot, by itself, be read as excluding the operation of the definitional framework under Rule 2(e), nor as conclusively establishing that the JCA is incapable of functioning as

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the disciplinary authority within the statutory scheme.

56. If the Respondent's construction were to be accepted, the definitional clause in Rule 2(d) of 1954 Rules would stand rendered otiose in its application to Joint Cadres. The 1969 Rules would create serious practical and structural incongruities in the administration of a Joint Cadre for disciplinary control over officers borne on a Joint Cadre, unless each constituent State were to act separately, a consequence plainly inconsistent with the very concept of a Joint Cadre.

57. The expression "Government of that State" in Rule 7 must, therefore, be understood as referring to the Government competent to act in relation to the cadre to which the officer belongs. In the case of a Joint Cadre, that competence stands channelised through the Joint Cadre Authority constituted under the 1954 Rules and recognised by the 1969 Rules through the definitional framework.

58. This construction does not amount to rewriting Rule 7. It merely gives effect to the internal coherence of the statutory scheme and preserves the operational viability of the Rules in the context of Joint Cadres. The amendments introduced in 1975, relied upon by the Respondent, do not alter this conclusion. The amendments clarified the identification of the Government under whose affairs the officer was serving. They did not displace the definitional structure applicable in the case of a Joint Cadre, nor did they exclude the operation of Rule 2(e) in relation to Joint Cadres.

59. <u>On Sub-Delegation</u>- The next limb of challenge proceeds on the doctrine encapsulated in the maxim *delegatus non potest delegare*. It

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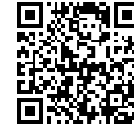

is urged that even if the Joint Cadre Authority were to be treated as the disciplinary authority, it could not further delegate that power to the MHA in the absence of an express enabling provision.

60. The submission proceeds on an assumption that what has occurred, is a case of sub-delegation of statutory power. The Court is unable to accept that characterisation.

61. Rule 2(e) of the 1969 Rules defines the expression "State Government concerned" in relation to a Joint Cadre as meaning the Governments of all the States for which the Joint Cadre is constituted and includes the Government of a State nominated by all such States to represent them in relation to a particular matter. The definitional clause thus contemplates a structured and representative exercise of authority in the case of a Joint Cadre. When Rule 7 refers to the "Government of that State", the expression must, in the case of a Joint Cadre, be understood as referring to the Government competent under the statutory scheme governing that cadre. In the case of a Joint Cadre, such competence is structured collectively through the mechanism recognised by Rule 2(e). The Rules therefore contemplate coordinated action rather than isolated individual State action.

62. The definitional structure thus recognises that disciplinary power under the 1969 Rules may be exercised by the authority identified in the Rules, including an authority nominated or authorised in accordance with the definitional framework. The Rules themselves, therefore, contemplate authorised exercise of disciplinary power by an identified authority within the statutory framework.

63. In the context of a Joint Cadre, the Joint Cadre Authority is not

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a single natural person but an institutional mechanism representing the collective will of the participating Governments. Where such institutional authority resolves that vigilance and disciplinary matters shall be processed and handled through the MHA, which, in the case of the AGMUT cadre, functions as the nodal coordinating Ministry, the arrangement is one of structured authorisation within the governmental framework, and not a private or unauthorised transfer of power.

64. The maxim *delegatus non potest delegare* applies where a statutory delegate purports to create a new delegate without statutory sanction. It has no application where the statute itself recognises exercise of power through an authorised authority within the same statutory scheme. The present arrangement, traceable to the definitional provisions of the 1969 Rules and the structural scheme of Joint Cadres under the 1954 Rules, does not involve the creation of an extraneous authority but the channelisation of power through an identified organ of the Union Government. In the present case, the authorisation flows from the definitional inclusion under Rule 2(e), and not from an independent executive act divorced from the Rules.

65. Reliance placed by the Respondent upon ***Shesrao Balwant Rao Chavan*** (supra) is misplaced. The said decision concerned a situation where a statutory authority, in the absence of enabling provision, sought to delegate its essential functions to another body, and the Hon’ble Supreme Court held that such sub-delegation was impermissible. The present case does not involve creation of a new delegate *dehors* the Rules. The authority of the Ministry of Home Affairs is traceable to the definitional framework under Rule 2(e) of

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the 1969 Rules read with the structural scheme of the Joint Cadre. What is involved is structured authorisation within the statutory framework, and not delegation of a primary statutory function to an extraneous authority. The ratio of the aforesaid decision is therefore inapplicable to the present controversy.

66. It is also material to note that members of the AGMUT cadre serve in connection with Union Territories as well as States. The Ministry of Home Affairs is the administrative Ministry for Union Territories. The designation of the Ministry as the nodal authority for vigilance and disciplinary matters is thus consistent with administrative coherence and does not transgress the statutory framework.

67. The Respondent has not been able to demonstrate that the exercise of power by the Ministry of Home Affairs is *dehors* the 1969 Rules or contrary to any express prohibition therein. In the absence of such prohibition, and in view of the definitional framework under Rule 2(e) that disciplinary authority includes an authority competent under the Rules, the plea of impermissible sub-delegation cannot be sustained.

68. On Business Rules and DoPT Office Memoranda- The Respondent also relied upon the Business of the Government of Arunachal Pradesh (Allocation) Rules, 1998 framed under Article 166 of the Constitution, as well as Office Memoranda dated 09.06.1995 and 13.02.2014 issued by the DoPT, to contend that disciplinary proceedings are to be initiated by the Government in connection with whose affairs the officer was serving. The submission cannot be

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accepted. The Business Rules framed under Article 166 regulate the internal distribution of business within a State Government; they do not and cannot determine the identity of the competent disciplinary authority under statutory rules framed under Section 3 of the Act of 1951. Similarly, executive instructions or clarificatory memoranda cannot override, curtail or redefine the scope of authority as structured under the 1954 Rules and the 1969 Rules. The question of competence must be resolved on a construction of the statutory framework, and not on the basis of internal allocation rules or administrative circulars. To the extent that administrative practice has proceeded on a particular understanding, such practice cannot prevail over the statutory scheme where the latter admits of a different construction.

69. On Comparative Practice in Other Joint Cadres- Reliance was further placed upon the alleged practice prevailing in the Assam-Meghalaya Joint Cadre, where disciplinary proceedings are stated to be initiated by the Government of the State in which the officer was serving. Comparative administrative practice, however, cannot control the interpretation of statutory provisions. The competence of the disciplinary authority must be determined with reference to the text and structure of the governing Rules. Even assuming that in another Joint Cadre a different administrative modality has been followed, such practice would neither amend nor dilute the statutory framework applicable to the cadre presently under consideration. Variations in administrative handling cannot be elevated to a principle of statutory construction, particularly where the Rules themselves provide the interpretative key through definitional and substitution clauses.

70. On Constitutional Balance and Federal Structure- The reliance

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placed by the Respondent on the decision of the Hon'ble Supreme Court in ***Government of NCT of Delhi v. Union of India*** (supra), to contend that the federal balance mandates that the Union does not usurp powers falling within the exclusive domain of the States, is misplaced. Members of the IAS are governed by a central legislation, namely the Act of 1951, and by rules framed thereunder. The disciplinary control over such officers is regulated by that statutory regime, which embodies a coordinated federal structure rather than a rigid compartmentalisation of authority. The interpretation adopted herein does not result in the Union arrogating to itself a power dehors the statute; it merely recognises the structured mechanism contemplated under the Cadre Rules and the 1969 Rules in relation to a Joint Cadre. The principle of federal balance is not offended where authority is exercised in accordance with a statutory framework enacted by Parliament and applicable uniformly to members of an All India Service.

71. On the Appellate Structure- The Respondent further contended that if the MHA is treated as the disciplinary authority in respect of officers borne on the Joint Cadre, the appellate structure contemplated under Rule 16 of the 1969 Rules would stand rendered nugatory. It is urged that an interpretation which dilutes the statutory right of appeal must be eschewed.

72. The submission cannot be accepted.

73. Rule 16 of the 1969 Rules provides an appellate remedy against an order imposing any of the penalties specified in Rule 6. The Rule identifies the appellate authority with reference to the authority that

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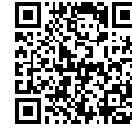

has imposed the penalty. The structure is hierarchical and functional; it does not predicate that the disciplinary authority and appellate authority must belong to entirely distinct governmental entities. What is contemplated is a superior authority within the statutory framework.

74. In the case of members of a Joint Cadre, the disciplinary power, as discussed hereinabove, stands channelised through the institutional arrangement recognised under the Cadre Rules and the 1969 Rules. The fact that the Ministry of Home Affairs processes or issues disciplinary orders does not efface the existence of an appellate authority designated under Rule 16. The appellate power remains vested in the authority specified by the Rules and continues to be exercisable in accordance with the statutory hierarchy.

75. The Respondent has not demonstrated that, in the present case, the statutory right of appeal was either denied or rendered unavailable. The mere circumstance that both the disciplinary and appellate authorities function within the broader framework of the Union Government does not, by itself, vitiate the appellate mechanism. Service jurisprudence recognises numerous instances where both original and appellate authorities operate within the same governmental structure, provided the hierarchy prescribed by the Rules is maintained.

76. An interpretation that invalidates the disciplinary process on the speculative assumption that the appellate structure may be diluted would amount to reading into the Rules a limitation not borne out by their text. So long as Rule 16 remains operative and the designated appellate authority is distinct in rank and competence from the

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disciplinary authority, the statutory safeguard stands preserved.

77. The contention that the appellate structure becomes illusory is, therefore, without merit.

78. <u>On the 1989 Arrangement / Executive Resolution</u>- The Tribunal has also proceeded on the premise that the decision taken in 1989, whereby vigilance and disciplinary matters concerning officers of the Joint Cadre were to be dealt with by the MHA, was in the nature of an executive arrangement unsupported by statutory authority.

79. The reasoning, with respect, rests upon an unduly compartmentalised reading of the statutory scheme.

80. As discussed hereinabove, the competence of the disciplinary authority in respect of a Joint Cadre does not originate in the 1989 decision. Its source lies in the combined operation of the Indian Administrative Service (Cadre) Rules, 1954 and the All India Services (Discipline & Appeal) Rules, 1969. The definitional framework of the 1969 Rules, read in the context of a Joint Cadre constituted under the 1954 Rules, recognises that the authority competent to act in relation to such cadre is not an individual State Government acting in isolation, but the institutional mechanism created for the Joint Cadre.

81. The 1989 decision did not purport to amend the statutory Rules. Nor did it create a new disciplinary authority dehors the Rules. It merely operationalised the manner in which the powers, otherwise traceable to the statutory framework, would be exercised in practice. Administrative channelisation of statutory power, so long as it does not transgress the parent Rules, cannot be equated with assumption of

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jurisdiction where none exists.

82. The contention that the minutes of October 1989 were undated, unsigned by all constituent Governments, or not followed by a formal statutory notification does not alter the legal position. The source of disciplinary competence in relation to a Joint Cadre is traceable to the statutory framework under the 1954 and 1969 Rules, and not to the minutes as an independent instrument of delegation. The minutes merely record the manner in which the constituent Governments agreed to operationalise the existing statutory scheme. Even assuming procedural irregularity in the form of recording or endorsement, such circumstance would not, by itself, nullify an arrangement otherwise consistent with the governing Rules. The validity of the exercise of power must be tested on statutory conformity and not on the format of the administrative record.

83. The Tribunal appears to have proceeded on the footing that, in the absence of a formal amendment expressly inserting the Joint Cadre Authority into each provision of the 1969 Rules, disciplinary competence could not be recognised. Such an approach overlooks the role of definitional clauses and contextual substitution within a statutory code. Where the Rules themselves provide the interpretative key through Rule 2, a further textual amendment is not a precondition for giving effect to the statutory scheme.

84. It is trite that executive instructions cannot override statutory rules. Equally, however, executive decisions that operate within and in furtherance of statutory rules are not invalid merely because they are not themselves framed as statutory instruments. The validity of the

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1989 arrangement must therefore be tested on whether it is inconsistent with, or contrary to, the 1954 and 1969 Rules. No such inconsistency has been demonstrated.

85. The Tribunal's conclusion that initiation of disciplinary proceedings by the Ministry of Home Affairs was without jurisdiction, solely on the ground that the 1969 Rules were not formally amended, does not accord with a harmonious and contextual reading of the statutory framework governing Joint Cadres.

86. The reliance placed by the Tribunal upon the decision in ***Atma Ram Deshpande*** (supra) does not advance the Respondent's case. The said decision turned upon its own factual matrix and did not undertake a comprehensive examination of the conjoint operation of the 1954 Rules, the 1972 Rules and the 1969 Rules and therefore cannot be treated as laying down any binding proposition on the construction of the conjoint statutory framework presently under consideration. The present matter requires a harmonised construction of these interlocking statutory instruments, which was not the focal issue in the decision, relied upon.

87. Final Determination- The controversy in the present case is essentially jurisdictional. The question is not whether the charges are sustainable on merits, but whether the disciplinary proceedings were initiated by an authority competent in law.

88. Upon a conjoint and harmonious reading of the Indian Administrative Service (Cadre) Rules, 1954, the All India Services (Joint Cadre) Rules, 1972, and the All India Services (Discipline & Appeal) Rules, 1969, this Court is unable to concur with the view

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taken by the Tribunal.

89. The 1969 Rules constitute a self-contained code governing disciplinary control over members of the All India Services. Rule 2, which opens with the expression "unless the context otherwise requires", provides the interpretative framework for the Rules. In relation to a Joint Cadre constituted under the 1954 Rules, the authority competent to act cannot be confined to an individual State Government acting independently of the Joint Cadre structure.

90. The expression "Government of that State" occurring in Rule 7 must be read in the context of the cadre to which the officer belongs. In the case of a Joint Cadre, disciplinary competence stands structured through the institutional mechanism recognised under the Cadre Rules. To read Rule 7 in isolation, detached from the definitional and structural provisions of the Rules, would render the Joint Cadre framework administratively unworkable and defeat the scheme of coordinated control contemplated under the statutory regime.

91. The nomination or authorisation of the Ministry of Home Affairs to process and issue disciplinary orders in respect of officers borne on the Joint Cadre does not amount to impermissible sub-delegation. The 1969 Rules themselves contemplate exercise of disciplinary power by the authority competent under the Rules. The arrangement in question operates within, and not outside, the statutory framework.

92. The existence of an appellate remedy under Rule 16 remains unaffected. The mere fact that both the disciplinary and appellate authorities function within the broader structure of the Union

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Government does not, in itself, invalidate the statutory hierarchy prescribed by the Rules.

93. The 1989 decision, viewed in its proper perspective, did not create a new source of power but merely channelised authority already traceable to the statutory scheme. In the absence of any demonstrated inconsistency with the governing Rules, the Tribunal was not justified in treating the initiation of proceedings as without jurisdiction solely for want of a formal textual amendment.

94. For the foregoing reasons, this Court holds that the initiation of disciplinary proceedings by the MHA, in respect of a member of the Joint Cadre, cannot be said to be without authority of law. The contrary conclusion reached by the Tribunal on the question of jurisdiction is unsustainable. The Tribunal's interference at the threshold on the ground of lack of jurisdiction was therefore unwarranted.

CONCLUSION AND OPERATIVE PORTION:

95. In view of the foregoing discussion, this Court is of the considered opinion that the Tribunal erred in holding that the initiation of disciplinary proceedings by the Ministry of Home Affairs, in respect of a member of the Joint Cadre, was without jurisdiction.

96. The interpretation adopted by the Tribunal proceeds on an isolated and fragmented reading of the 1969 Rules and fails to give due effect to the definitional framework and structural provisions governing a Joint Cadre under the 1954 Cadre Rules and the 1972 Joint Cadre Rules. The conclusions regarding absence of statutory

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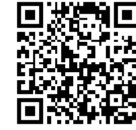

competence, impermissible delegation, and invalidity of the 1989 arrangement are unsustainable in law.

97. Accordingly, the Impugned Order passed by the Tribunal is set aside to the extent it holds the initiation of disciplinary proceedings to be without jurisdiction. The disciplinary proceedings shall stand restored to the stage at which they were interdicted by the Tribunal and shall proceed in accordance with law.

98. W.P.(C) 6699/2018 and W.P.(C) 14025/2025 are allowed and disposed of in the above terms.

99. In view of order dated 31.01.2026, the Registry is directed to list W.P.(C) 12072/2018 and W.P.(C) 12083/2018 on 12.05.2026 for consideration.

100. It is clarified that this Court has expressed no opinion on the merits of the disciplinary proceedings, which shall be dealt with in accordance with law.

101. All the pending applications in W.P.(C) 6699/2018 and W.P.(C) 14025/2025 shall stand closed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

APRIL 01, 2026
jai/pal