



2026:AHC:203334

A.F.R.
Reserved On:25.08.2026
Delivered On: 28.09.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD**WRIT - A No. - 12376 of 2026**

Vinita Kumari

.....Petitioner(s)

Versus

The State of U.P. and 4 others

.....Respondent(s)

Counsel for Petitioner(s)	: Arya Gautam, Atipriya Gautam, Rishabh Kesarwani
Counsel for Respondent(s)	: C.S.C.

Court No. - 33**HON'BLE MANISH KUMAR NIGAM, J.**

1. Heard learned counsel for the petitioner, Shri R. S. Umrao learned Standing Counsel for the State-respondents and perused the record.

2. This petition has been filed for the following reliefs:

“a) issue, a writ, in the nature of Certiorari, quashing the impugned order dated 22/03/2025, issued by the Respondent No. 4, by which the departmental disciplinary proceedings have been initiated against the Petitioner under Rule 14(1) of Uttar Pradesh Police Officers of Subordinate Ranks, (Punishment and Appeal) Rules, 1991, (contained as Annexure-1) to the writ petition.

b) issue, a writ, order or direction in the nature of Mandamus, directing the respondents, to stay the further departmental disciplinary proceeding initiated against the petitioner in pursuance of the impugned departmental chargesheet dated 22/03/2025.

c) Issue, any other writ, order or direction, in favour of the petitioner; as this Hon'ble Court may deem fit and proper in the present facts and the circumstances of the case, so as to secure the ends of the justice or else, the petitioner shall suffer irreparably.

Award the costs of Petition to the petitioner."

3. Brief facts of the case are that the petitioner is a constable in U.P. Police. U.P. Police Officer of Sub-Ordinate Rank (Punishment and Appeal) Rules 1991 (hereinafter referred as 'Rules 1991') are applicable to her. On 22.03.2025, a charge sheet was issued to the petitioner under Rule 14(1) of the Rules 1991 with the charge that after joining police service, the petitioner married one Durgesh Kumar Gautam son of Ram Sumiran without divorcing her first husband and therefore, the petitioner has violated the Rule 29 of the U.P. Government Servant Rules, 1956 (hereinafter referred as 'Rules, 1956'). The petitioner has challenged the aforesaid charge-sheet dated 22.03.2025, in the present writ petition.
4. It has been contended by learned counsel for the petitioner that proceedings initiated under Rule 14(1) of 1991 Rules are for inflicting the major penalty. For violating Rule 29 of 1956 Rules, only minor punishment can be awarded and therefore, the proceedings if any, ought to have been initiated only under Rule 14(2) of 1991 Rules.
5. Learned counsel for the petitioner in paragraph no. 15 of the writ petition has quoted Rule 29 of Rules 1956 which is quoted as under:

"29 (1) No Govt. Servant who has a wife living shall contract another marriage without fresh obtaining the permission of the Govt. notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.

(2) No female Govt. Servant shall marry any person who has a wife living without first obtaining permission of the Govt.

(3) The minimum punishment to be imposed for contravention of Sub Rule (1) or Sub Rule (2) shall be withholding of increments for three years.”

6. It has been further submitted by learned counsel for the petitioner that once according to the Sub-rule (3) of Rule 29 of 1956 Rules, the minimum punishment to be imposed for contravention of Sub-rule (1) & (2), shall be withholding of increments for three years and therefore, only minor penalty can be imposed as per Sub-rule (3) of Rule 29 of 1956 Rules. Learned counsel for the petitioner submitted that since only minor punishment is provided for violation of Sub-rule (1) & (2) of Rule 29 of 1956 Rules, the initiation of proceedings under Section 14(1) of 1991 Rules is unwarranted as the same relates to the procedure for imposing a major penalty. At the best, proceedings could have been initiated under Rule 14(2) of 1991 Rules which provides for procedure for imposition of minor punishment.
7. In support of his contention, learned counsel for the petitioner has relied upon the case of **Kamaluddin Khan v. State of U.P. and others** passed in **Writ A No. 15046 of 2025**, decided on 28.10.2025, **Prabhat Bhatnagar v. State of U.P. and others**; **2023 (9) ADJ 615**, **Aneeta Yadav v. State of U.P. and others**; **2017 (6) ADJ 273**, **Kuber Singh v. State of U.P. and others** in **Writ A No. 21010 of 2011**, decided on 14.02.2020 and several other judgments. Learned counsel for the petitioner further submitted that this Court is of the consistent view that for violation of Sub-rule (1) & (2) of Rule 29 of 1956 Rules only minor penalty can be imposed and therefore, departmental proceedings against the petitioner initiated under 14(1) of 1991 Rules are vitiated and are liable to be quashed.

8. Learned Standing Counsel has vehemently submitted that Sub-rule (3) of Rule 29 of 1956 Rules, has been deleted by Rule (2) of U.P. Government Servant Conduct (4th Amendment) Rules, 1976, therefore, judgment relied upon by the petitioner are not applicable for the reason that the aforesaid judgments have been passed without considering the fact that Sub-rule (3) of Rule 29 of 1956 Rules has been deleted in the year 1976.
9. Before proceeding further it would be appropriate to look into the provision of U.P. Government Servant Rules 1956 as amended from time to time. The U.P. Government Servants' Conduct Rules, 1956 were framed by the State Government in exercise of powers conferred by Proviso to Article 309 of Constitution of India. The original Rule 29 as existed in the U.P. Government Servants' Conduct Rules, 1956 is quoted as under:

“Rule 29. Bigamous marriages-No government servant who has a wife living shall contract another marriage without first obtaining the permission of the Government, notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.”

10. Vide Notification No. 2367/11-B-118-54 dated 21.07.1956, issued by the State of U.P. in exercise of powers conferred by Proviso to Article 309 of Constitution of India, amendment was made in 1956 Rules by renumbering Rule 29 as Sub-rule (1) and Sub-rule (2) was added after Sub-rule (1) which is quoted as under:

“(1) Rule 29 of the said rules shall be re-numbered as sub-rule (1) of that rule, and

(2) After this sub-rule the following shall be inserted as a new sub-rule (2):

“(2) No female Government servant shall marry any person who has a wife living without first obtaining the permission of the Government.”

11. Thereafter, Rule 29 of 1956 Rules was again amended vide Notification No. 299-A/11-B-152(3)-59 dated 21.09.1964 issued by Government of U.P. in exercise of powers conferred by Proviso to Article 309 of Constitution of India and Sub-rule (3) was added in Rule 29 which is quoted as under:

“In rule 29 of the said rules after sub-rule (2), the following new sub-rule shall be added:

“(3) The minimum punishment to be imposed for contravention of sub-rule (1) or sub-rule (2) shall be the withholding of increments for three years.”

12. Thereafter Rule 29 was again amended by Government of U.P. by U.P. Government Servant Conduct (4th Amendment) Rules, 1976 vide Notification No. 22/2-69-karmik-i dated 20.10.1976. By 1976 amendment and earlier Rule 29 was substituted by the following Rule which is quoted as under:

“1. Short title and commencement-(1) These rules may be called the Uttar Pradesh Government Servant’s Conduct (Forth Amendment) Rules, 1976.

2. Amendment of Rule 29.- In the Uttar Pradesh Government Servant’s Conduct Rules, 1956, for the Rule 29, the following rules shall be substituted:

29. Bigamous Marriages.-(1) No Government servant who has a wife living shall contract another marriage without first obtaining the permission of the Government, notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.

(2) No female Government servant shall marry any person who has wife living without first obtaining the permission of the Government.”

13. Learned Standing Counsel has submitted that by 1976 amendment, Sub-rule (3) was deleted from Rule 29 and was never again reintroduced in the 1956 Rules. Therefore, now as the rule exists today it cannot be held that in case of violation of Sub-rule

(1) and (2) of Rule 29 of 1956 Rules, only minor punishment can be imposed. It is in the discretion of the appointing authority considering the facts and circumstances of the case to award either minor or major punishment, therefore, the proceedings initiated against the petitioner under Rule 14(1) of the 1991 Rules cannot be said to be without jurisdiction as there is no impediment imposing major penalty in case of violation of Sub-rule (1) and (2) of Rule 29 of 1956 Rules. Learned Standing Counsel has relied upon the judgment in case of **Khursheed Alam Khan v. State of U.P.** passed in Civil Appeal No. 1662 of 2015, decided on 09.02.2015.

14. It has also been contended by learned Standing Counsel that Sub-rule (3) of Rule 29 of 1956 Rules, cannot be interpreted that only minor punishment can be imposed in case of violation of Sub-rule (1) and (2) of Rule 29 of 1956 Rules. It has been further submitted by learned Standing Counsel that Sub-rule (3) as existed till 1976 provided that the minimum punishment to be imposed for contravention of Sub-rule (1) and (2) shall be withholding of increment for three years and therefore, withholding of increments for three years is the minimum punishment which could have been awarded in case of violation of Sub-rule (1) and (2) of Rule 29 of 1956 Rules. The same cannot be interpreted that only punishment which could be awarded for violation of Sub-rule (1) and (2) of Rule 29 of 1956 Rules is minor punishment i.e. withholding of increment for three years. It is the minimum punishment and there is no bar that other punishment cannot be awarded for violation of Sub-rule (1) and (2) of Rule 29 of 1956 rules. Learned Standing Counsel relied upon the judgment in case of **Mohammad Hasim v. State of U.P. and others; 2017 (2) SCC 198, State of Madhya Pradesh v. Vikram Das; 2019 4 SCC 125** and judgment of Supreme Court in case of **Dashrath v. State of Maharashtra 2025 SCC OnLine SC 1054**.

15. Learned counsel for the petitioner vehemently submitted relying upon the judgment passed by this Court that only minor punishment can be awarded for violation of Sub-rule (1) and (2) of Rule 29 of 1956 Rules. However, learned counsel for the petitioner could not bring on record any further amendment in Rule 29 of 1956 Rules, after the 1976 amendment by which Sub-rule (3) was deleted from the Rule.
16. In case of **Kamaluddin v. State of U.P.** (Supra), relied upon by the petitioner, the order of suspension dated 29.09.2025, passed against the petitioner for violating Rule 29 of 1956 Rules was set-aside by this Court relying upon the provisions of Rule 29 of 1956 Rules as well as proviso to Rule 4 of the U.P. Government Servant (Discipline and Appeal) Rules, 1999. This Court in paragraph no. 11, 12 & 13 has held as under:

“11. Importantly, stoppage of withholding of increments for a specific period is a minor punishment and withholding of increment with cumulative effect is a major punishment. Since the ultimate punishment which could be imposed, in case, charges against the writ petitioner would be minor, thus, resorting of suspension in the facts and circumstances of the case would not be justified. Rule 29 of the UP Government Servant Conduct Rules, 1956 came up for consideration in umpteen decisions namely Writ-A No. 21010 of 2011 (Kuber Singh Vs. State of U.P.) and in the case of Prabhat Bhatnagar Vs. State of U.P. : (2023) 9 ADJ 615. Further Rule 29 of the UP Government Servant Conduct Rules, 1956 reads as under:-

"29. Bigamous marriages.- (1) No Government servant who has a wife living shall contract another marriage without first obtaining the permission of the Government, notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.

(2) No female Government servant shall marry any person who has a wife living without first obtaining the permission of the Government.

(3) The minimum punishment to be imposed for contravention of sub-rule

(1) or sub-rule (2) shall be the withholding of increments for three years."

12. A bare look of Rule 29 of the 1956 rules would reveal that no Government servant who has a wife living shall contract marriage without first obtaining permission of the Government notwithstanding that such subsequent marriage is permissible under personal law for the time being applicable to him.

13. As already noticed, at best taking the case of the respondents at face value minor punishment could have been imposed, thus, the suspension order is not justified."

17. In paragraph no. 11 of the judgment quoted above, the Court has considered the unamended Rule 29 of 1956 Rules. The Court has not considered the effect of deletion of Sub-rule (3) of Rule 29 of 1956 Rules.

18. In case of **Kuber Singh v. State of U.P.** (Supra) this Court has set-aside the order of termination passed against the petitioner for violating the Rule 29 of 1956 Rules. Though this Court has quoted Rule 29 (unamended) in the aforesaid judgment but the relief was granted to the petitioner on another ground that the respondent therein failed to establish that the petitioner has entered into a marriage with the second lady while first wife was still alive. The Court was of the view that the petitioner therein could not be stated to have been entered into bigamy.

19. In **Prabhat Bhatnagar v. State of U.P.** (Supra) relied upon by learned counsel for the petitioner, this Court has interfered with the order of dismissal passed against the petitioner therein for violating of Rule 29 of 1956 Rules for the reason that the department failed to prove the second marriage of the petitioner therein. Paragraph no. 11 & 12 of the judgment are quoted as under:

“11. Considering the aforesaid factual and legal proposition, as explained in the Hindu Marriage Act, 1955 and Indian Evidence Act, 1872 and there being no other material before this Court or before the Authorities, I find that punishing the petitioner by presuming performance of second marriage during subsistence of first marriage was not according to fact and law.

12. The finding to this effect contained in the orders impugned, is therefore, unsustainable.”

20. Learned counsel for the petitioner relied upon paragraph nos. 13, 14 & 15 of the judgment case of **Prabhat Bhatnagar** (Supra) which are quoted as under:

“13. Insofar as the award of punishment to the petitioner is concerned, even when misconduct to the aforesaid effect is established on the part of the government servant, only a minor penalty can be awarded and not a major penalty.

14. Rule 29 of the Rules of 1956, in this regard is quoted as under:

"29(1): No Govt. Servant who has a wife living shall contract another marriage without fresh obtaining the permission of the Govt. notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.

(2) No female Govt. Servant shall marry any person who has a wife living without first obtaining permission of the Govt.

(3) A minor punishment to be imposed in contravention of Sub Rule(1) or Sub Rule (2) shall be withholding of increments for three years."

15. Reference to the following authorities can be made in this regard:-

(a). Service Single No. 2681 of 2010 (Ram Milan Dubey Vs. State of U.P. and others);

(b). Shravan Kumar Pandey Vs. State of U.P. and others, 2010 (8) ADJ 243;

(c). 2009 (2) LBESR 949 (Allahabad) Smt. Raj Bala Sharma Vs. State of U.P. and others. ”

21. In case of **Prabhat Bhatnagar** (Supra) it appears that the amended Rule was not brought to the knowledge of the Court and the Court has relied upon the unamended Rule and therefore, the view taken by this Court in case of **Prabhat Bhatnagar** (Supra) is of no help to the petitioner.

22. In case of **Aneeta Yadav v. State of U.P.** (Supra) relied upon by the petitioner, the petitioner was dismissed from service on the ground that she had solemnized marriage with one Brijesh Kumar Yadav who was already married with Smt. Kusuma Devi without seeking permission from the department. The petitioner in case of Aneeta Devi (Supra) was a widow who married with Brijesh Kumar Yadav who was already married. This Court set-aside the order of dismissal on the ground that the case will not come within the purview of Rule 29 of 1956 Rules. Paragraph no. 9 of the judgment in case of Aneeta Devi (Supra), is quoted as under:

“9. The petitioner had no knowledge about the first marriage of Sri Brijesh Kumar Yadav. Section 494 of Indian Penal Code deals with a person, who had a husband or wife living. This charge cannot be fastened on the petitioner. There is substance in the submission of the learned counsel for the petitioner that according to Section 17 of Hindu Marriage Act, no marriage between two Hindus could be solemnized, if one of them has a husband or wife living. If such marriage is solemnized after the commencement of this Act it would be null and void. The provisions of Sections 494 and 495 I.P.C. shall apply in such cases. Applying this law, the marriage of the petitioner with Sri Brijesh Kumar Yadav was null and void under law and no punishment could be awarded against her under Section 29 of 1956 Rules. As per Section 11 read with Section 5 of the Hindu Marriage Act, 1955, the marriage may be held as void. The petitioner’s case cannot be dealt with under Rule 29 of 1956 Rules.”

23. The judgment in case of **Aneeta Yadav** (Supra) is of no help to the petitioner as the facts were different.

24. There are other cases also such as **Shravan Kumar Pandey v. State of U.P.; 2010 (8) ADJ 243** wherein this Court has interfered with an order of termination of service for violating Rule 29 of 1956 Rules without considering the amended Rules only on the basis of unamended Rules and judgment was passed by this Court considering the unamended Rules.
25. In case of **Smt. Rajbala Sharma v. State of U.P. and others; 2009 (7) ADJ 97**, this Court interfered with an order of termination relying upon the unamended Rule 29 of 1956 Rules. This Court in paragraph nos. 7, 15 & 20 has held as under:

“7. Sri Ram Shiromani Mishra has laid much emphasis that Sri Ajeet Singh had given in writing that he had not informed the petitioner Raj Bala Sharma regarding her earlier marriage. The petitioner being a widow and that too with two little children agreed to get married with Ajit Ajeet Singh to resettle herself in life. The petitioner's alleged marriage with Sri Ajeet Singh did not in any manner interfere or obstruct her with her official duty which she had been performing with sincerity and dedication. The punishment awarded against the petitioner was quite harsh and disproportionate to the charges levelled against her. Even as per provisions contained in this rule, no major penalty can be awarded against the petitioner. Rule 29 is quoted below:

29(1): No Govt. Servant who has a wife living shall contract another marriage without fresh obtaining the permission of the Govt. notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.

(2) No female Govt. Servant shall marry any person who has a wife living without first obtaining permission of the Govt.

(3) A minor punishment to be imposed in contravention of Sub Rule(1) or Sub Rule (2) shall be withholding of increments for three years.

15 This Court has read the provisions contained in rule 29 of the U.P. Govt. Servant Conduct Rules, 1956. It has been provided in these rules that whoever contravenes the provisions contained in rule 29(1)&(2) shall be awarded

with a minor penalty. In the present case, the awarding of punishment of dismissal is certainly against the letter and spirit of rule 29 itself. The major penalty ought not to have been awarded against the petitioner applying the rule 29(1)(2)(3) of the U.P. Govt. Servant Conduct Rules, 1956.

20. In view of the above discussion, the petition succeeds and is allowed. The order of impugned dismissal of the petitioner dated 13.1.2006 and the orders passed in the appeal and revision dated 19.3.2006 and 12.4.2007 respectively are quashed. Since the order of dismissal has been quashed by this Court, the petitioner is entitled for reinstatement. The respondents are directed to reinstate the petitioner in service within one month from the date of filing of a copy of this order by the petitioner before the authority concerned. It is further observed that it shall be open to the appropriate authority to award only other minor penalty against the petitioner as provided in sub rule (3) of rule 29 of the U.P. Govt. Servant Conduct Rules, 1956 if the charges are proved. All the consequences shall follow. The petitioner shall be treated to have remained in service with all the consequential benefits of such service.”

26. In case of **Pati Ram v. State of U.P. and others** passed in Writ A No. 5376 of 2019, Neutral Citation No. 2023:AHC:21286, this Court relied upon the unamended Rule 29 of 1956 Rules and judgment in case of Smt. Rajbala Sharma (Supra) and held as under:

“Having considered the submissions of the parties and perused the record as well as the Rule, which clearly gives an indication that whoever contravenes the provisions contained in Rule 29 (3) of the Rules, 1956 shall be awarded with minor penalty. In the present case, awarding a punishment of dismissal that is admittedly a major punishment is certainly against the letter and spirit of Rule 29, which does not provide major punishment.”

27. Again in this case, amended Rule 29 has not been considered by this Court.

28. In case of **Rajveer Singh Constable v. State of U.P. and others**, neutral citation No. 2022:AHC:223489, this Court again

interfered with an order of dismissal relying upon the unamended Rule 29 of 1956 Rules and relying upon the judgment of Rajbala Sharma (Supra). In the aforesaid case, also it appears that amended Rule 29 was not placed before the Court and the judgment passed therein was after considering the unamended Rule.

29. In case of **Ram Pal Singh v. State of U.P. and Others; neutral citation No. 2022:AHC:223522**, this Court interfered with an order of termination passed against the petitioner therein relying upon the old Rule without considering the amendment made in the year 1976 deleting the Sub-rule (3) of Rules and the judgment passed by this Court in case of Smt. Rajbala Shamra (Supra). This Court held in the aforesaid case as under:

“I have considered the submissions of the parties and perused the record as well as the rule, which clearly gives an indication that whomever contravenes the provisions contained in Rule 29(3) of the Rules, 1956 shall be awarded with minor penalty. In the present case, awarding a punishment of dismissal that is admittedly a major punishment is certainly against the letter and spirit of Rule 29, which does not provide major punishment.”

30. Thus from the case laws relied upon by learned counsel for the petitioner, it is apparent that in all the cases, unamended Rule 29 has been considered and it has been held by this Court in case of violation of Sub-rule (1) & (2) of Rule 29 of 1956 Rules, only a minor penalty can be imposed. Since all the judgments are passed without considering the effect of the amended provision by which Sub-rule (3) has been deleted, there is no binding of precedent.

31. So far as the contention of learned Standing Counsel that Sub-rule (3) of Rule 29 of 1956 Rules cannot be interpreted that only punishment which can be given is minor punishment i.e. withholding of three increments for violating Sub-rule (1) and (2) of Rule 29 of 1956 Rules. Learned Standing Counsel relied upon the judgment of Supreme Court in case of **Mohammad Hasim**

(Supra), wherein, while interpreting the provision of Probation of Offenders Act, the Apex Court has held that minimum sentence means a sentence which must be imposed without leaving any discretion to the Court. It means the quantum of punishment which cannot be reduced below the period fixed. When the legislature prescribes minimum sentence without discretion, the same cannot be reduced by the Court. In such cases the imposition of minimum sentence be it imprisonment or fine is mandatory and leaves no discretion to the court. In this regard, paragraph no. 19 of the judgment in case of **Mohammad Hashim** (Supra) is quoted as under:

“19. Learned counsel would submit that the legislature has stipulated for imposition of sentence of imprisonment for a term which shall not be less than six months and the proviso only states that sentence can be reduced for a term of less than six months and, therefore, it has to be construed as minimum sentence. The said submission does not impress us in view of the authorities in Arvind Mohan Sinha (supra) and Ratan Lal Arora (supra). We may further elaborate that when the legislature has prescribed minimum sentence without discretion, the same cannot be reduced by the Courts. In such cases, imposition of minimum sentence, be it imprisonment or fine, is mandatory and leaves no discretion to the court. However, sometimes the legislation prescribes a minimum sentence but grants discretion and the courts, for reasons to be recorded in writing, may award a lower sentence or not award a sentence of imprisonment. Such discretion includes the discretion not to send the accused to prison. Minimum sentence means a sentence which must be imposed without leaving any discretion to the court. It means a quantum of punishment which cannot be reduced below the period fixed. If the sentence can be reduced to nil, then the statute does not prescribe a minimum sentence. A provision that gives discretion to the court not to award minimum sentence cannot be equated with a provision which prescribes minimum sentence. The two provisions, therefore, are not identical and have different implications, which should be recognized and accepted for the PO Act.”

32. In case of **State of Madhya Pradesh v. Vikram Das** (Supra) relied upon by learned Standing Counsel in paragraph no. 8 of the judgment of the Apex Court held as under:

“8. In view of the aforesaid judgments that where minimum sentence is provided for, the court cannot impose less than the minimum sentence. It is also held that the provisions of Article 142 of the Constitution cannot be resorted to, to impose sentence less than the minimum sentence.”

33. In case of **Dashrath v. State of Maharashtra** relied upon by learned Standing Counsel, the Apex Court relying upon the judgment in case of Mohd. Hasim (Supra) and State of M.P. v. Vikram, held as under in paragraph no. 28:

“28. Law is, thus, well-settled that exercise of power conferred by Article 142, in a case such as the present where a minimum sentence is prescribed by the statute, cannot be tinkered, for, the same would amount to legislation by the Court; and, prescription of a term of sentence quite contrary to what the Parliament has legislated would be legally impermissible. The statutory prescription in relation to punishment for a minimum period, unless challenged, cannot be reduced by this Court even in exercise of powers under Article 142 of the Constitution.”

34. The learned counsel for the petitioner submitted that the judgment relied upon by learned Standing Counsel related to criminal law and has no application in departmental proceedings.

35. Since Sub-rule (3) of Rule 29 of 1956 Rules has already deleted in the year 1976, it cannot be held that in case of violation of Sub-rule (1) & (2) of Rule 29 of 1956 Rules, only minor penalty i.e. stoppage of three increments can be passed. In my view, it is the discretion of the appointing authority depending upon the facts and circumstances of the case to award punishment for violation of Sub-rule (1) and (2) of Rule 29 of 1956 Rules. I am not inclined to consider the contention of learned counsel for the petitioner that the judgments relied upon by learned standing

counsel which related to the statute providing punishment for committing a crime will not be applicable to a departmental proceedings at this stage.

36. The submission of learned counsel for the petitioner that the impugned charge sheet has been issued to the petitioner under Rule 14 (1) of 1991 Rules, is liable to be quashed for the reason that Rule 14 (1) of 1991 Rules has to be invoked in case where major penalty has to be imposed upon the delinquent employee, as only minor punishment could have been imposed upon the petitioner. Contention of learned counsel for the petitioner is misconceived for another reason also.
37. Initiation of an inquiry/departmental proceedings under Rule 14(1) of 1991 Rules which prescribes the procedure for award of major penalty does not mean that the disciplinary authority is under an obligation to impose major penalty only, in case the proceedings are initiated under Rule 14(1) of 1991 Rules. In case, after departmental proceedings and after considering the facts and circumstances, the disciplinary authority is of the view that the delinquent employee may be punished with a minor penalty there is no impediment in passing such an order, even after holding an inquiry under Rule 14(1) of 1991 Rules.
38. The procedure for holding an inquiry in case of major penalty is more elaborate than in case of minor penalty. It is only on the basis of evidence and circumstances of the case, the disciplinary authority has to take decision regarding the quantum of punishment and not on the basis that inquiry was conducted whether under Rule 14 (1) or 14 (2) of 1991 rules.
39. In case an inquiry is conducted under Rule 14 (2) of 1991 Rules and the disciplinary authority comes to a conclusion that in the facts and circumstances of the case major penalty has to be imposed then the authority is bound to proceed under Rule 14 (1)

of 1991 Rules which provides for procedure for imposing major penalty but the converse is not correct. While proceeding under Rule 14 (1) of 1991 Rules there is no impediment for the disciplinary authority to punish the delinquent employee with minor penalty depending the facts and circumstances of the case.

40. In view of the discussion made above, I am of the view that the prayer made in the writ petition, cannot be granted.

41. Writ petition fails and is accordingly, dismissed.

(Manish Kumar Nigam,J.)

September 28, 2026

Ved Prakash