



## DISPUTE RESOLUTION UPDATE

A disciplinary inquiry under Rule 8 of the NBCC Disciplinary Rules was initiated against an executive, since retired. The report submitted by Inquiry Officer (IO) was not accepted by the Disciplinary Authority and took a decision and passed an order to serve a supplementary charge sheet to the Charged Officer (executive) under advice from CVC as well as directed the Inquiry Officer to conduct the inquiry "from the scratch" and submit a consolidated report.

Relying on the case law **Rajendra Chaudhari versus Union of India & Ors.**, and critically examining **Rule 9 of statutory provisions governing disciplinary proceedings as set forth in NBCC (Discipline & Appeal) Rules, 1993** which is identical to the relevant provision in CCS (CCA) Rules, KAUSSET Venture team on behalf of the aggrieved party (executive) filed an Original Application to quash and set aside of the impugned order and the proposed disciplinary proceedings. The merits of the case being identical – the Hon'ble court passed an order quashing the action of the Disciplinary Authority as it was unsustainable in terms of the relevant rules as well as non-adherence to the provisions of the Rules in the entire disciplinary proceedings.



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