

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**

**WRIT PETITION (S/B) NO. 499 OF 2023**

**29<sup>TH</sup> DECEMBER, 2023**

Dhananjay Chaturvedi .....Petitioner.

Versus

High Court of Uttarakhand ....Respondent.

Counsel for the Petitioner :Mr. Rajendra Dobhal, learned Senior Counsel assisted by Mr. Piyush Garg and Mr. Shubhang Dobhal, learned counsel.

Counsel for the Respondent :Mr. Navnish Negi, learned counsel.

**CORAM:-**

**HON'BLE SRI JUSTICE RAKESH THAPLIYAL**  
**HON'BLE SRI JUSTICE PANKAJ PUROHIT**

The Court made the following-

**JUDGMENT**

By means of this writ petition, petitioner has sought the indulgence of this Court for quashing the suspension order dated 24.07.2023 passed by the respondent, by which the petitioner was placed under suspension as well as the Charge-sheet No.4399/11-I/UHC/VIG./2023-24 dated 10.08.2023, along with entire disciplinary proceedings initiated and pending against the petitioner pursuant to an anonymous and undated complaint not supported by a duly sworn affidavit of the complainant.

2. The facts shorn of unnecessary details are that the petitioner was posted during the relevant period as District and Sessions Judge, Chamoli, an

undated, anonymous complaint, not supported by any affidavit allegedly made by the District Bar Association, Gopeshwar at Chamoli was received by the High Court through registered post on 22.05.2023. The said complaint was sent to the Registrar (Vigilance), a Sitting Judge of the High Court (by name) and subsequently, to the Hon'ble the Chief Justice of Uttarakhand (by name). The Hon'ble Judge of the High Court marked the said complaint to the Registrar General on 22.05.2023. The complaint which was received by the Registrar (Vigilance) was registered in the "Complaint Register for Judicial Officers" on 22.05.2023 at Serial No.11. The Registrar (Vigilance) after preparing a note on 23.05.2023 placed the complaint along with said note before Hon'ble the Chief Justice. The Hon'ble Chief Justice directed Registrar General/Registrar (Vigilance) "to forthwith gather material evidence to identify the Court Room i.e. whether the same is of D.J. Chamoli, and if so, particulars of the case, in which the evidence is seen recording in the video clippings, this exercise should be done discreetly as far as possible", and further directed the matter to be placed before Hon'ble the Chief Justice with the report within 10 days.

3. The complaint, which was sent and received by the High Court was an unsigned complaint from District Bar Association Chamoli, in which a pen drive was also annexed and the substance of the complaint was that the evidence was being recorded by the petitioner-District and Sessions Judge, Chamoli against the procedure, in the absence of the Presiding Officer,

and it was alleged that it was the routine way of recording the evidence in the court of the petitioner. The envelope in which the complaint was sent contained the name of one Hem Vashist, Advocate, Court Compound, Chamoli, Mobile No.9812491887, as sender.

4. In compliance of the directions given by Hon'ble the Chief Justice, purportedly enquiry was conducted and after preliminary enquiry, his explanation was called vide show cause notice dated 11.07.2023, wherein the petitioner was called upon to show cause as to why the disciplinary action be not taken against him for violating the direction issued by the High Court by order dated 03.10.2012 for recording the evidence of witness by Judicial Officers and not by Peshkar.

5. The petitioner submitted his explanation vide Letter No.811 Gopeshwar dated 20.07.2023 (annexure-9 to the writ petition). In the explanation, he stated that as the complaint was anonymous and without affidavit, the High Court should not take cognizance of such a complaint. The Officer further stated that the video clippings nowhere disclosed its source and he further stated as to where is the original clipping and what is the authenticity of the second copy, and he requested not to take notice of such video clippings, source of which was not known and genuineness of which was doubtful. Apart from questioning the video clippings, it was also submitted on the basis of the medical report that since the petitioner had stone in his Kidney, he has to go for urination and there was a possibility that the petitioner might have rose from the court for that

purpose but at that time, no evidence was recorded and he used to direct the recording of the evidence to stop. The petitioner in his explanation also apprehended that he has been made the victim of a conspiracy; the conduct of Ms. Manisha Sati as Group-D Employee was also mentioned in the explanation that she might have been used to procure the alleged video clips. It is alleged in the explanation that Km. Manisha Sati was in touch with Mr. Narendra Dutt, the predecessor of the petitioner and her location was found in the vicinity of the official residence of Shri Narendra Dutt at Race Course, Dehradun in the night of 06.05.2023 on the basis of her call details, which was obtained by the petitioner. He also apprehended the conspiracy due to seniority dispute pending on judicial side before the High Court between petitioner and Mr. Narendra Dutt and his batch-mates. The petitioner requested to make a thorough investigation into the conspiracy angle to unearth the truth.

6. After receipt of the explanation, petitioner was placed under suspension vide order dated 24.07.2023, annexure-10 to the writ petition, passed by Registrar General of Uttarakhand High Court. The enquiry was shown to have been in contemplation against him. Vide annexure-12 to the writ petition the charge-sheet dated 10.08.2023 was issued against the petitioner containing as many as two charges. The Charge No.1 is about recording the evidence of witness in the absence of petitioner and Charge No.2 is in respect of procuring the call detail of an individual i.e. female employee, Ms. Manisha Sati of the Judgeship

stating it to be an infringement of personal right to privacy, which according to the charge memo is a misconduct under Rule 3(1) and 3(2) of the Uttarakhand Government Servants' Conduct Rules, 2002.

7. The petitioner was called upon to submit his written statement with regard to the charges within 21 days from the date of receipt of the charge-sheet. Petitioner submitted his reply to the charge-sheet on 24.10.2023. Despite reply of the charge-sheet, no enquiry officer was appointed and the disciplinary proceeding was not proceeded any further, constraining the petitioner to write to the respondent-High Court through Registrar General to revoke his suspension vide his application dated 24.10.2023. In the said application, it has been stated that as per the Rule 4(1) of the Uttarakhand Government Servant (Discipline and Appeal) Rules, 2003, the charges framed against the petitioner are not so serious, which would warrant major penalty and as given in the proviso to the aforesaid Rules, the suspension, in such circumstances, should not be resorted to in a routine manners. The High Court did not take any notice to the aforesaid reply as well as the request for revocation of the suspension order dated 24.07.2023.

8. The petitioner is now before this Court challenging the suspension order, the charge-sheet as well as the entire disciplinary proceedings mainly on the ground that the High Court should not have taken note of anonymous complaint, which was unsigned, undated and without any affidavit filed in support thereof.

9. In support, it is pleaded by petitioner that the High Court issued a Circular No.6283/UHC/Admin.A /2014 dated 22.12.2014, whereby certain guidelines were issued by the respondent-High Court on the basis of the guidelines issued by Hon'ble the Chief Justice of India, New Delhi, in respect of complaints filed against the Judicial Officers in the Sub-ordinate Judiciary. According to that Circular, a complaint made against Member of Sub-ordinate Judiciary in the State should not be entertained and no action should be taken thereon, unless, it is supported by a duly sworn affidavit and verifiable material to substantiate the allegations made in the complaint. It further goes on to say, if action on such complaint meeting the above requirement is deemed necessary, authenticity of the complaint should be duly ascertained and further steps thereon should be taken only after satisfaction of the competent authority designated by the Chief Justice of the High Court. It further goes on to say as a caution that if the above requirements are not complied with, the complaint should be filed/lodged without taking any steps thereon.

10. The argument of the petitioner would be that in the case in hand, complaint has not met the above requirements, as given in the aforesaid Circular dated 22.12.2014, annexure-4 to the writ petition. The veracity of the complaint has never been ascertained and in that event, instead of proceeding further in the said complaint, the same should have been closed. It is further pleaded by the petitioner that while entertaining the complaint, Uttarakhand High Court Vigilance Rules,

2019 have also been given a complete go-by. It is submitted that Uttarakhand High Court Vigilance Rules, 2019, Rule 9 prescribes the manner in which a complaint received against judicial officer shall be dealt with. In the case in hand, when the complaint was received by the High Court, no procedure as prescribed under the Rule 9 was followed and the disciplinary proceeding was initiated against the petitioner, which resulted into his illegal suspension order and issuance of the charge-sheet.

11. It is further pleaded by the petitioner that petitioner being a Judicial Officer of the rank of District and Sessions Judge disciplinary enquiry cannot be proceeded with in the manner it proceeded and since the very initiation of the enquiry was not in accordance with the manner prescribed under the Rules, the same cannot be sustained and deserves to be quashed.

12. The respondent-High Court, in its counter affidavit has come up with a case that the complaint received against the petitioner was dealt with strictly in accordance with the Uttarakhand High Court Vigilance Rules, 2019 amended vide Notification No.250/UHC/Admin.A/2023 dated 06.06.2023 and reliance was placed under Rule 9 (iv) which is extracted below:-

"However, nothing in sub-rule will prevent processing of a complaint on a discreet enquiry conducted on the order of Hon'ble The Chief Justice."

13. According to the High Court, although the complaint was not accompanied by duly sworn affidavit, the complaint was processed in accordance with the Rule 9(iv) of the amended Rules, but there is no

reference of circular dated 22.12.2014 in the counter affidavit of the respondent-High Court.

14. The supplementary counter affidavit was also filed under the hands of Registrar General of High Court of Uttarakhand at Nainital, pursuant to the order passed by this Court on 18.12.2023 in the writ petition, enabling him to bring relevant document on record. In the supplementary counter affidavit, the report of S.P. Police Vigilance Cell, High Court is annexed, wherein it is mentioned that the sender of the complaint, Mr. Hem Vashisht is not practicing lawyer in District Court, Chamoli.

15. Petitioner filed rejoinder affidavit. It has specifically been pleaded in the rejoinder affidavit that the Administrative Judge was re-notified on 08.05.2023 as reflected from annexure-6 to the writ petition, therefore, a reply that the alleged complaint was received by the Administrative Judge of Chamoli was stated to be per se false and against the record. It is also stated in the rejoinder affidavit that as per the Uttarakhand High Court Vigilance Rules, 2019, it is provided that the Administrative Judge shall refer the complaint to the Committee constituted by the Hon'ble Chief Justice of the High Court and the same cannot be simply handed over by one Judge of the High Court to the Registrar (Vigilance). It is also reiterated that the complaint was anonymous, not supported by any affidavit, the same could not be registered and could not be handed over to the Registrar (Vigilance). It is also stated that Hon'ble the Chief Justice was not apprised of true and correct facts and the guidelines

issued by the Circular dated 22.12.2014 read with High Court Vigilance Rules, 2019 have not been complied with, which prohibit registration of such a complaint and the complaint should have been filed/closed.

16. With reference to the discreet enquiry as alleged by the respondent-High Court in its counter affidavit, it is stated in the rejoinder affidavit that the recourse to the said Rule 9 (iv) of the Uttarakhand High Court Vigilance Rules, 2019 can only be taken before the registration of the complaint and the said Rule only empowers Hon'ble the Chief Justice to waive off necessity of supporting affidavit with the complaint in case of registration of a complaint on the directions of the Hon'ble Chief Justice.

17. We have heard at length Mr. Rajendra Dobhal, learned Senior Advocate assisted by Mr. Piyush Garg, learned counsel and Mr. Shubhang Dobhal, learned counsel for the petitioner and Mr. Navnish Negi, learned counsel for the respondent-High Court extensively.

18. During the course of hearing, the original record of the disciplinary proceeding was also called for and the same is before the Bench, throughout, while hearing the writ petition.

19. Learned Senior Counsel appearing for the petitioner has put forth the following submissions in support of his case: -

(a) In view of the Uttarakhand High Court Vigilance Rules, 2019 as amended vide notification dated 28.12.2021 read with the guidelines issued under the circular dated 22.12.2014, the High Court should not

have taken cognizance of anonymous complaint, which was not supported by affidavit.

(b) The complaint was sent showing the Sender's name as Advocate Hem Vashist Mobile No.9812491887 in the envelope, but no attempt was made by the respondent-High Court to find out the authenticity of the said complaint, which was unsigned, not supported by any affidavit and no attempt was made to get the authenticity of the said complaint to be ascertained by examining the Members or office bearers of the District Bar Association Chamoli. In such a complaint, no enquiry could have been initiated and according to the guidelines issued in the circular dated 22.12.2014, the complaint should have been shelved and closed without proceeding any further.

(c) Rule 9(ii) as applicable to the present case, states that since the enquiry was initiated by taking action upon the complaint on 22.05.2023, the complaint should have been processed in accordance with the Rule 9(ii) by placing the complaint after registration before the concerned Administrative Judge and the Administrative Judge, if necessary, shall refer the complaint to the committee of Hon'ble Judges, to be constituted by Hon'ble the Chief Justice.

(d) The said procedure has not been complied with in the manner it has been prescribed. When law mandates to do a certain thing in a certain manner, the same should have been done in that manner alone, is a trite law and the same has not been

followed, therefore, not only the suspension order, but the entire disciplinary proceedings deserve to be quashed.

(e) The suspension order deserves to be set-aside as the charges against the petitioner are not serious enough to warrant major penalty and further the suspension order was passed on 24.07.2023, no enquiry officer has been appointed by the respondent-High Court so far. As per the law the delinquent officer cannot be placed under suspension for indefinite period. The conspiracy angle was also highlighted wherein, it is alleged that the predecessor of the petitioner has a seniority dispute pending consideration before the Hon'ble High Court in a writ petition and Ms. Manisha Sati was used to procure the alleged video clipping.

(f) The video clippings' genuineness and the original source of the preparation of these video clippings were never verified before resorting to the disciplinary proceedings.

(g) The District Bar Association, Gopeshwar (Chamoli) subsequently in its resolution has denied having made any such complaint on behalf of the District Bar Association, Chamoli and also informed that there is no member by name of 'Hem Vashist' registered with the District Bar Association Chamoli. The mobile number, which was mentioned in the envelope, was also found to be fake.

(h) The complaint against the petitioner was allegedly made by the District Bar Association Chamoli and it is

quite indigestible that the complainant who is an Advocate in District Bar Association Chamoli would come to post such a complaint from Head Post Office, Haldwani, which is at a distance of 270 kms. approx. from District Court Compound Gopeshwar (Chamoli).

20. Per contra, Mr. Navnish Negi, learned counsel for the respondent-High Court tried to justify the disciplinary proceedings initiated against the petitioner by relying upon Rule 9(iv) of the Rules and submitted that in discreet enquiry, verifiable material was found to take cognizance of the complaint and accordingly, the disciplinary enquiry was initiated and the petitioner after being suspended was also charge-sheeted by subsequent charge-memo dated 10.08.2023.

21. The reply of learned counsel for the respondent-High Court, regarding not following the guidelines issued by High Court vide Circular No.6283 dated 22.12.2014 is not at all convincing, as he tried to impress upon the Bench that subsequent amendment in the Uttarakhand High Court Vigilance Rules, 2019 w.e.f. 06.06.2023, which provides processing of the complaint on a discreet enquiry conducted on the order of the Hon'ble The Chief Justice. The Hon'ble Chief Justice on the basis of verifiable material i.e. pen drive directed to conduct a discreet enquiry.

22. In order to appreciate the arguments advanced by rival parties, we have gone through each and every paper of the original file of the disciplinary enquiry of the petitioner.

23. From perusal of the record, it appears that the selfsame complaint in three separate envelopes was sent to Registrar (Vigilance), Hon'ble Sitting Judge of the High Court and Hon'ble the Chief Justice. The Hon'ble Sitting Judge simply having put a mark on the complaint, sent it to Registrar General on 22.05.2023.

24. The Registrar (Vigilance) dealt with the complaint by registering it in the Complaint Register No.-1(For Judicial Officers), Vigilance Cell, High Court of Uttarakhand at Nainital and the complaint was registered at Serial No.11 of the said Register on 22.05.2023.

25. Surprisingly, though the complaint was posted on 19.05.2023 to the Hon'ble The Chief Justice by name, was placed before him on 21.06.2023, wherein Hon'ble the Chief Justice has put a note simply saying 'to call for an affidavit from the complainant'. On 21.06.2023 Hon'ble The Chief Justice, on said complaint, made a note "Affidavit be called. Pen drive be given to R(V)."

26. From perusal of the Rule 9 (ii), the method has been prescribed in the manner the complaint is to be dealt with. Rule 9(ii) (iii) & (iv) of the Rules of 2019, as amended on 28.12.2021 is quoted herein below: -

*"(ii) After registration, the complaint received against the Judicial Officers or Staff of the Subordinate Court shall be first placed before the concerned Administrative Judge. The Administrative Judge, if necessary, shall refer the complaint to a Committee of Hon'ble Judges, to be constituted by Hon'ble the Chief Justice.*

*(iii) If the Committee, after considering the complaint, opines that allegations are made, which need to be enquired into, or for which a departmental*

*enquiry needs to be initiated against the delinquent officer/staff, it shall submit its recommendations before Hon'ble the Chief Justice. The action to be taken on the complaint shall be the sole discretion of Hon'ble the Chief Justice.*

*(iv) In every case, where a complaint has been placed before the Administrative Judge under sub-rule (ii) or before the Committee under sub-rule (iii) above, the outcome shall be placed before Hon'ble the Chief Justice.*

27. From perusal of Rule 9(ii) (iii) & (iv), as quoted above, it is reflected that after registration of a complaint received against the Judicial Officer, the same shall be placed before the concerned Administrative Judge, who, if necessary, shall refer the complaint to committee of Hon'ble Judges, to be constituted by Hon'ble the Chief Justice. The committee after considering the complaint, if opines that allegations made, need to be enquired into, or a departmental enquiry needs to be initiated against the delinquent officer, the Committee shall submit its recommendations to Hon'ble the Chief Justice. The action to be taken on such complaint shall be the sole discretion of Hon'ble the Chief Justice. Rule 9 (iv) makes it mandatory where a complaint has been placed before the Administrative Judge under sub-Rule (ii) or before the Committee under sub-Rule (iii), the outcome shall be placed before Hon'ble the Chief Justice.

28. From appreciation of the aforesaid Rules, there is no manner of doubt in the mind of the Bench that this procedure prescribed under Rule 9 would come to play only when the complaint is once registered and which complaint should be registered, is given in the Circular Dated 22.12.2014, which in clear terms says as follows: -

*"No: 6283/UHC/Admin.A/2014 Dt: Dec. 22, 2014*

*Subject: Circulation of the guidelines issued by Hon'ble the Chief Justice of India, New Delhi in respect of complaints filed against the judicial officers in the subordinate judiciary.*

*Sir,*

*On the subject-noted above, I am directed to circulate certain guidelines issued by Hon'ble the Chief Justice of India, New Delhi in respect of complaints filed against the judicial officers of subordinate judiciary, which are as under:-*

***(1) The complaint making allegation against members of the Subordinate Judiciary in the States should not be entertained and no action should be taken thereon, unless it is accompanied by a duly sworn Affidavit and verifiable material to substantiate the allegations made therein.***

***(2) If action on such complaint meeting the above requirement is deemed necessary, authenticity of the complaint should be duly ascertained and further steps thereon should be taken only after satisfaction of the competent authority designated by the Chief Justice of the High Court.***

***(3) If the above requirements are not complied with, the complaint should be filed/ lodged without taking any steps thereon.***

*You are, therefore, informed accordingly and also requested to circulate the same amongst all the judicial officers working under your administrative control.*

*Yours faithfully,*

*Registrar General"*

29. The reliance placed by learned counsel for the respondent-High Court on subsequent amended Rules dated 06.06.2023 is also misplaced as the complaint was received in the office of Registrar (Vigilance) on 22.05.2023 and the same was registered on 22.05.2023, on which date High Court of Uttarakhand Vigilance Rules, 2019, amended on 28.12.2021, was in vogue and the complaint must be dealt with strictly in accordance with those Rules.

30. From perusal of the record, it transpires that the typed complaint was undated, unsigned and not supported by any affidavit wherein the name of the

petitioner was written by hand in Hindi, was never placed after the registration before the Administrative Judge. Thus, the very initiation of the disciplinary proceeding was defective and the same would go to the root of the entire controversy and the same cannot sustain.

31. It is trite law that when the initiation of a certain proceeding is bad and in violation of the prescribed procedure, all subsequent and consequential proceedings would crumble down as that illegality strikes at the very root of the order. Reference may be had from Hon'ble Apex Court's judgment in the case of ***State of Punjab Vs. Davinder Pal Singh Bhullar and Others, (2011) 14 Supreme Court Cases 770***, wherein, in paragraph 107, the Hon'ble Supreme Court observed as hereunder: -

*"107. It is a settled legal proposition that if initial action is not in consonance with law, all subsequent and consequential proceedings would fall through for the reason that illegality strikes at the root of the order. In such a fact situation, the legal maxim **sublato fundamento cadit opus** meaning thereby that foundation being removed, structure/work falls, comes into play and applies on all scores in the present case."*

32. This Court finds force in the submission made by learned Senior Counsel for the petitioner that since the procedure prescribed under the High Court Vigilance Rules, 2019, as amended, has not been followed, which prescribed a proper mechanism to deal with any complaint, therefore, the entire procedure would be found violated in view of the law laid down in the case of ***Nazir Ahmad Vs. King Emperor AIR 1936, Privy Council 253(2)*** which still holds the field.

33. Having gone through the relevant High Court Vigilance Rules, 2019 as amended on 28.12.2021, there is no manner of doubt in the mind of this Court that the procedure as prescribed and mentioned hereinabove was not followed and accordingly, the same is hit by the law as enunciated in the case of Nazir Ahmed (**Supra**).

34. When the entire proceeding, as discussed above, has crumbled down due to non-observance of the procedure prescribed, and the very initiation of disciplinary enquiry has been found to be not in consonance with the Uttarakhand High Court Vigilance Rules, 2019, hence all subsequent consequential proceedings also are vitiated. There is nothing left which would allow the disciplinary proceedings to continue.

35. Although there is no need to discuss the illegality on inflicting the suspension order, but still in order to appreciate the argument advanced by learned senior counsel for the petitioner that the charges were not serious which may warrant major penalty upon the petitioner, even if established, the suspension should not have been resorted to. In order to appreciate this argument, we have gone through Rule-4 of the *Uttarakhand Government Servant (Discipline and Appeal Rules)*, 2003, which is quoted herein below: -

*"4. **Suspension**—(1) A Government Servant against whose conduct an enquiry is contemplated, or is proceeding, may be placed under suspension pending the conclusion of the enquiry at the discretion of the Appointing Authority . It will be clearly mentioned in the suspension order that the charges against the concerned government servant are so serious that in the event of these being established, major penalty would be inflicted;*

*Provided that suspension should not be resorted to unless the allegations against the Government Servant are so serious that in the event of these being established may be normally the basis of major penalty".*

36. Learned counsel for the respondent-High Court also admitted, during the course of arguments, that the charges framed against the petitioner were not serious enough for imposing major penalty upon the petitioner, and moreover, when no enquiry officer has so far been appointed by the High Court, there is no justification to continue the suspension of the petitioner and the same deserves to be quashed.

37. We have considered the arguments advanced on behalf of the respondent-High Court that the general procedure was by-passed in view of the provision contained of Rule 9 (iv) of the Uttarakhand High Court Vigilance Rules, 2019 as applicable w.e.f. 06.06.2023, wherein a power has been given to Hon'ble the Chief Justice to order for a discreet enquiry on a complaint and even though it is not accompanied by affidavit or verifiable material, the Hon'ble Chief Justice may direct for discreet enquiry.

38. The amended Rule 9(iv) was brought in the statute on 06.06.2023 and the same was not there in the statute on 22.05.2023 when the complaint was registered, therefore, the recourse to the above Rule cannot be made and it cannot be argued that the discreet enquiry was directed by Hon'ble the Chief Justice ignoring the requirement of duly sworn affidavit or verifiable material.

39. The Rule 9(vi) was there in the statute on the date when the complaint was registered, which is quoted here under: -

*9 (vi) Complaint, if accompanied by a duly sworn affidavit or verifiable material, shall only be registered. However, nothing in this sub-rule will prevent registration of a complaint on a discreet enquiry conducted on the order of Hon'ble the Chief Justice.*

40. The later part of the aforesaid Rule 9(vi) gives power to the Hon'ble Chief Justice for order *qua* registration of complaint on a discreet enquiry conducted on the orders of Hon'ble the Chief Justice. This power can be exercised where the registration could not have been done owing to non-availability of the duly sworn affidavit or verifiable material, but here, in the case in hand, the registration was already done, though against the guidelines notified vide Circular No.6283/UHC/Admin.A/2014 dt.22.12.2014. After registration the procedure prescribed under Rule 9 (ii) to (iv) should have been followed, which has blatantly been given a go-by.

41. There is yet another aspect of the matter. In the Uttarakhand High Court Vigilance Rules, 2019, there is no mention anywhere in any of the amendments that the Rules are being notified in supersession of the earlier guidelines and Circular. Resultantly, even as on date, the guidelines issued by Hon'ble the Chief Justice of India, on the basis of which the circular dated 22.12.2014 was issued, still holds the field and the same cannot be by-passed while proceeding in a complaint against the Judicial Officer.

42. The up-shot of the aforesaid discussion unerringly makes this Bench to conclude that the entire disciplinary proceeding, which was initiated and pending against the petitioner, cannot sustain and deserves to be quashed and set-aside.

43. The writ petition is accordingly allowed. A writ of certiorari is issued for quashing the suspension order dated 24.07.2023 (annexure-10), charge-sheet dated 10.08.2023 (annexure-12) as well as the entire disciplinary proceedings pursuant to charge-sheet dated 10.08.2023 against the petitioner. No order as to costs.

**(Pankaj Purohit, J.)**                      **(Rakesh Thapliyal, J.)**  
**29.12.2023**

AK