


**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

(1) S. B. Civil Writ Petition No. 19397/2025

Rajaram Sharma S/o Late Shri Shriniwas Sharma, Aged about 55 years, Resident of 23/98 Swarn Path, Mansarovar, Jaipur-302020

----Petitioner

Versus

- 1 State of Rajasthan, through Chief Secretary, Secretariat, Jaipur, Rajasthan.
- 2 Department of Personnel, through Secretary, Secretariat, Jaipur, Rajasthan.
- 3 Deputy Secretary, Department of Personnel, State of Rajasthan.
- 4 Additional Commissioner (First), Departmental Inquiry, Department of Personnel, Government of Rajasthan, Jaipur.
- 5 Department of Medical, Health & Family Welfare, through Additional Chief Secretary, Secretariat, Jaipur, Rajasthan.

----Respondents

Connected With

(2) S. B. Civil Writ Petition No. 19398/2025

Rajaram Sharma S/o Late Shri Shriniwas Sharma, Aged about 55 years, Resident of 23/98 Swarn Path, Mansarovar, Jaipur-302020

----Petitioner

Versus

- 1 State of Rajasthan, through Chief Secretary, Secretariat, Jaipur, Rajasthan.
- 2 Department of Personnel, through Secretary, Secretariat, Jaipur, Rajasthan.
- 3 Deputy Secretary, Department of Personnel, State of Rajasthan.
- 4 Additional Commissioner (First), Departmental Inquiry, Department of Personnel, Government of Rajasthan, Jaipur.

5 Department of Medical, Health & Family Welfare, through
Additional Chief Secretary, Secretariat, Jaipur, Rajasthan.

----Respondents

For Petitioner : Mr. R.N. Mathur Senior Advocate
assisted by Mr. Siddharth Bapna
Advocate, Mr. Abhishek Mewara
Advocate, Mr. Rahul Kumar Advocate
and Ms. Chinki Choudhary Advocate.

For Respondents : Mr. Archit Bohra Additional
Government Counsel with Mr. Prakhar
Jain Advocate.

HON'BLE MR. JUSTICE ANAND SHARMA

Judgment

REPORTABLE

Date of conclusion of arguments	::	16.02.2026
Date on which judgment was reserved	::	16.02.2026
Whether the full judgment or only the operative part is pronounced	::	Full Judgment
Date of pronouncement	::	25.02.2026

1. Both the above writ petitions have been filed by the petitioner feeling aggrieved by two different charge sheets followed by orders for appointment of enquiry officer to conduct enquiry against the petitioner. With the consent of the parties, both the writ petitions were heard together and are being decided by this common judgment.

S.B. CIVIL WRIT PETITION NO. 19397/2025

2. By way of filing the above writ petition, the petitioner has assailed the charge sheet dated 19.09.2022 issued under Rule 16 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 (for short, "the Rules of 1958"), whereby disciplinary proceedings were initiated against him and the subsequent order dated 29.10.2025 appointing an Inquiry Officer is also under challenge.

3. Facts in brief are that the petitioner was initially appointed as Drug Inspector on 19.09.1994 and, after rendering more than two decades of service, was promoted to the post of Drug Controller on 03.02.2017. He was thereafter given additional charge of Drugs Controller (First) and Drugs Controller (Second) on 22.07.2020. The controversy arises out of a letter dated 26.06.2020 whereby the petitioner constituted a seven-members committee to deliberate upon guidelines issued by the Central Government concerning prosecution in matters where drugs were declared not of standard quality. The committee submitted its report on 29.06.2020, which was forwarded by the petitioner on 01.07.2020 to the Central Drugs Standard Control Organization through the office of the Drug Controller General of India.

4. Subsequently, the State Government sought an explanation regarding the constitution of the committee and its recommendations. After internal examination, the Department of Personnel issued a memorandum dated 19.09.2022 initiating disciplinary proceedings under Rule 16 of the Rules of 1958 on the allegation that the petitioner had exceeded his authority by constituting the committee and forwarding its report without approval of the competent authority.

5. First limb of the Charge was that during his posting Drug Controller, Rajasthan, Jaipur, the petitioner, without the permission of the State Government, on 26.06.2020, unauthorizedly constituted a seven-members committee of Assistant Drug Controllers to suggest amendments in the guidelines issued by the Central Government under the said Section 33P of the Drugs and Cosmetics Act, 1940 (for short, 'the

Act of 1940') in cases of declared substandard category drug samples. The committee, on 29.06.2020, recommended relaxation in cases of drug samples declared as substandard category falling under B-Category in the Central Government's guidelines, which the Petitioner hastily approved and, without the State Government's permission, on 01.07.2020, wrote a letter to the Drug Controller General (Government of India) informing him to apply it in matters of prosecution sanction, and also bound the three-member screening committee of Assistant Drug Controllers working under the petitioner, who give opinions on prosecution, to provide opinions on prosecution in accordance therewith as per the amendments made in the guidelines issued by the Central Government under Section 33P of the Act of 1940.

6. Another limb of charge levelled against the petitioner in the charge sheet was that by exceeding his official powers without the State Government's permission and misusing his position to grant relaxation in cases of substandard drugs and by not granting prosecution sanction for running cases in respect of drug samples declared as grossly substandard category, he had directly attempted to benefit the guilty manufacturers/ institutions/ persons. His aforesaid act is indicative of indiscipline and negligence against his official duties, for which he was responsible.

7. After exchange of correspondence and consideration of the petitioner's reply, an Inquiry Officer was appointed on 29.10.2025. Aggrieved thereby, the petitioner has approached this Court.

8. Mr. R. N. Mathur, learned Senior Counsel for the petitioner assisted by Mr. Siddharth Bapna, learned counsel

submitted that the charge-sheet and appointment of Inquiry Officer are arbitrary, illegal and vitiated by delay. It is argued that the petitioner merely constituted a committee for better implementation of existing guidelines and did not alter any statutory provision. It is submitted that no prior sanction was required and that the petitioner acted bona fide in discharge of official duties. It is further contended that there is an inordinate delay of more than two years in issuing the charge-sheet and nearly three years in appointing the Inquiry Officer, which has caused prejudice to the petitioner.

9. Learned Senior Counsel emphatically argued the impugned charge-sheet is liable to be quashed on account of gross, inordinate and unexplained delay at every stage of the proceedings. The alleged misconduct pertains to the constitution of a committee by the petitioner on 26.06.2020 and the communication sent to the Director General of Drug Control, Government of India on 01.07.2020. These facts were fully within the knowledge of the respondents from the very beginning. Despite this, the charge-sheet under Rule 16 of the Rules, 1958 came to be issued only on 19.09.2022, after an unexplained delay of more than two years. No justification or reason for such delay has been furnished by the respondents. It is a settled principle of law that unexplained and inordinate delay in initiating disciplinary proceedings vitiates the same, particularly where the material facts are borne out from official records and no fresh inquiry was required to unearth the alleged lapse. The delay, therefore, renders the action arbitrary and is a significant ground to quash the charge-sheet.

10. It was further submitted that even after the petitioner submitted a detailed reply to the charge-sheet dated 19.09.2022 denying all the charges, however, the Disciplinary Authority failed to proceed further and took more than three years in appointing the Enquiry Officer. Such prolonged inaction on the part of the respondents clearly demonstrates lack of seriousness in the matter and absence of any urgency or gravity in the alleged misconduct. The departmental proceedings have, thus, been kept pending indefinitely, causing serious prejudice to the petitioner. The cumulative delay, both in issuance of the charge-sheet and in further steps of the enquiry, vitiates the entire proceedings.

11. It was submitted that the Government of Rajasthan decisions issued for effectively carrying out the proceedings under Rule 16 of the Rules of 1958, read with the Handbook of Disciplinary Proceedings published in 1963, prescribe that departmental enquiries should ordinarily be concluded within a maximum period of seven months. In the present case, not only was there a delay of over two years in issuing the charge-sheet, but even thereafter the matter has lingered for several years without meaningful progress. The prescribed time-frame has been completely disregarded. In view of such extraordinary and unexplained delay, the impugned charge-sheet is hopelessly belated and deserves to be quashed on this ground alone.

12. It was further submitted by learned Senior Counsel that the Disciplinary Authority has proceeded under an erroneous assumption that the Guidelines issued under Section 33P of the Act of 1940 are mandatory in nature. The said Guidelines are merely directory and procedural, intended to facilitate effective

implementation. Even assuming, without admitting that there was any deviation, such deviation would not *ipso facto* amount to misconduct unless it is shown to be willful, mala fide or resulting in any apparent loss to the Government. The very foundation of the charge-sheet is, thus, based on a misconceived assumption, and is therefore unsustainable.

13. The Guidelines dated 26.11.2020 itself confer powers upon State Regulatory Authorities to frame Standard Operating Procedures and to constitute Screening Committees for effective implementation. The petitioner, at the relevant time, was holding the post of Drug Controller, which is the highest post in the Drug Control Organization under the Rajasthan Medical and Health Service Rules, 1963 (for short 'the Rules of 1963'). In exercise of his administrative competence and in discharge of official duties, the petitioner constituted a seven-member committee and forwarded suggestions to the DCGI on the basis of the committee's report. The actions were taken bona fide, within jurisdiction, and in the interest of proper administration. There is neither any allegation of personal gain nor any material to indicate mala fide intention. Even if the entire charge-sheet is read as it stands, no misconduct whatsoever is made out against the petitioner.

14. It is also submitted that the contents of the charge-sheet are vague, indefinite and devoid of specific particulars. Rule 16(2) of the Rules of 1958 mandates that the charge-sheet must contain definite and precise charges indicating the specific acts of omission or commission alleged against the delinquent officer. The impugned charge-sheet fails to specify which statutory provision

or rule has been violated and does not disclose how the alleged acts constitute misconduct. The vague and generalized allegations deprive the petitioner of a reasonable opportunity to effectively defend himself and are in clear violation of the principles of natural justice. A charge-sheet lacking specific and definite charges is liable to be quashed at the threshold.

15. In view of the foregoing submissions, learned Senior Counsel reiterated that the impugned charge-sheet suffers from inordinate and unexplained delay, is founded upon a legally erroneous premise, does not disclose any misconduct, and is vitiated by vagueness. The same, therefore, deserves to be quashed and set aside by this Hon'ble Court. Learned Senior Counsel placed reliance on judgments delivered by Hon'ble Supreme Court in the cases of **A.L. Kalra vs. Project and Equipment Corporation of India Ltd. (1984) 3 SCC 316, Union of India & Others vs. J. Ahmed (1979) 2 SCC 286, Rasiklal Vaghajibhai Patel vs. Ahmedabad Municipal Corporation & Another, (1985) 2 SCC 35, R.C. Sood vs. High Court of Judicature at Rajasthan & Others (1998) 5 SCC 493, Union of India & Another vs. Kunisetty Satyanarayana, (2006) 12 SCC 28, M.V. Bijlani vs. Union of India & Others, (2006) 5 SCC 88, Vijay Singh vs. State of Uttar Pradesh & Others, (2012) 5 SCC 242 and A. A. Calton vs. Director of Education & Another, 1983 (3) SCC 33.**

16. Per contra, Shri Archit Bohra, learned Additional Government Counsel vehemently opposed and submitted that the writ petition was not maintainable at the stage of charge-sheet. It was contended that the guidelines dated 26.11.2010 were issued

by the Ministry of Health and Family Welfare, Government of India, under Section 33P of the Act of 1940 and were binding in nature. The petitioner, being simply a drug controller was expected to follow the guidelines and had no jurisdiction to constitute a committee to reconsider or dilute such binding guidelines. It was argued that the petitioner not only constituted the committee without approval but also forwarded its report to the Drug Controller General of India with an intention to implement it alongside the binding guidelines, thereby exceeding his statutory authority.

17. Learned Additional Government Counsel submitted that the petitioner has not approached this Court with complete and correct facts and has sought to create an impression of inordinate delay in issuance of charge sheet and follow up orders, which is factually incorrect. Allegation of any delay in issuance of the charge-sheet was emphatically denied and learned Counsel clarified that immediately after acquiring knowledge of the unauthorized report dated 29.06.2020 and the communication sent by the petitioner to the DCGI on 01.07.2020, a show cause notice dated 11.01.2021 was issued to the petitioner calling upon him to explain his conduct. The petitioner submitted his reply on 13.01.2021. Thereafter, the said reply along with the entire record was examined at the appropriate administrative level. Only after due consideration and upon being satisfied that disciplinary proceedings were warranted, a conscious decision was taken to issue a charge-sheet under Rule 16 of the Rules of 1958. The charge-sheet was thereafter issued without any undue delay.

Thus, the petitioner's contention that the respondents remained inactive for two years is misleading and contrary to record.

18. Further, learned Government Counsel submitted that the petitioner himself contributed substantially to the alleged delay after issuance of the charge-sheet. Instead of submitting a comprehensive and final reply, the petitioner chose to file replies in piecemeal. He repeatedly moved applications seeking inspection of documents and furnishing of additional records and expressed unwarranted dissatisfaction regarding the opportunities already granted to him for inspection. The respondents, in order to ensure fairness and adherence to principles of natural justice, permitted inspection and also afforded him a personal hearing prior to appointment of the Enquiry Officer. The petitioner submitted additional short reply on 07.05.2025. The said reply as well as other record was duly examined and, ultimately, vide order dated 29.10.2025, the Enquiry Officer was appointed. Therefore, any delay, if at all, in appointment of the Enquiry Officer cannot be attributed to the respondents, but was a direct consequence of the petitioner's own conduct and repeated procedural objections.

19. The contention of the petitioner that the Guidelines issued by the Central Government under Section 33P of the Act of 1940 are merely directory is wholly misconceived. It is submitted that though issuance of such guidelines by the Central Government may be discretionary, yet once issued, they are binding and are required to be mandatorily followed by the State authorities. The petitioner, being a senior officer in the regulatory framework, was duty-bound to ensure strict compliance of the said

guidelines and could not act in deviation thereof on his own understanding.

20. It is further submitted that merely because the petitioner was holding the post of Drug Controller, he could not assume the role or authority of the "State Government". The term "State Government" in the relevant statutory and regulatory framework refers to the competent authority at the level of Principal Secretary or Secretary to the Government, and not to an individual departmental head. The petitioner had no authority to unilaterally constitute a committee in a manner that had the effect of diluting or modifying the implementation of mandatory Central Guidelines, nor was he authorized to directly correspond with the DCGI in a manner suggesting an official policy decision of the State. The record would reveal that the petitioner, without seeking prior approval of or even informing the State Government, constituted a committee and obtained a report which effectively sought to dilute the mandatory guidelines issued by the Central Government. More seriously, he proceeded to forward the recommendations of such an unauthorized committee directly to the DCGI, advising that offences be dealt with in terms of the committee's report. He also directed the officers supposed to grant sanction for prosecution to act as per the report and not otherwise. Such conduct is not merely procedural irregularity but amounts to serious misconduct, reflecting overreach of authority and disregard for established administrative hierarchy.

21. Learned Additional Government Counsel further submitted that the charges levelled against the petitioner are specific and clearly indicate the acts of omission and commission

attributed to him. The charge-sheet sets out the factual background, the nature of deviation from prescribed guidelines, and the manner in which the petitioner exceeded his authority. The petitioner has been fully aware of the allegations and has in fact submitted detailed replies from time to time, which itself demonstrates that he clearly understood the charges. The plea of vagueness is thus an afterthought and untenable.

22. Learned Additional Government Counsel appearing for the respondents submitted that the scope of judicial interference at the stage of charge-sheet or during pendency of departmental enquiry is extremely limited. No interference in the writ jurisdiction is ordinarily called for unless it is established that the charge sheet has been issued without jurisdiction or are wholly illegal on the face of record. Disputed questions of fact and sufficiency of material are matters to be examined in the course of enquiry and not in writ jurisdiction.

23. Lastly, it was submitted by learned Additional Government Counsel appearing for the respondents that mere delay, even if assumed for the sake of argument, is not by itself a ground to quash disciplinary proceedings unless the delinquent employee establishes manifest prejudice. In the present case, the petitioner has failed to demonstrate any real or specific prejudice caused to him on account of the alleged delay. On the contrary, the record shows that adequate opportunity has been provided to him at every stage. In view of the above, it was submitted that the charge-sheet has been issued after due application of mind, the proceedings are being conducted in accordance with law, hence, no case for interference is made out. Learned Additional

Government Counsel, in support of his contentions relied upon the judgments of the Hon'ble Supreme Court in **State of Madhya Pradesh & Another vs. Akhilesh Jha & Another, 2021 Supreme (SC) 1060, Secretary to Government, Prohibition and Excise Department vs. L. Srinivasan, 1996 Supreme (SC) 385**, judgment of Andhra Pradesh High Court in **The District Collector (BCW), West Godavari District & Others vs. Smt. K.V. Ramana, 2017 Supreme (AP) 453**, judgment of Gurarat High Court in **T.K. Vaghela vs. State of Gujarat & 1 Others, 2020 Supreme (Guj) 219**, Judgment rendered by Co-ordinate Bench of this Court in **Dr. Praveen Kumar Soni vs. State of Rajasthan & Others (S.B Civil Writ Petition No. 17100/2025 decided on 06.01.2026), Suresh Sharma vs. State of Rajasthan & Others (S.B Civil Writ Petition No. 18566/2025 decided on 08.01.2026), Laxman Singh Gujar vs. Rajasthan State Board Transport Corporation (S.B Civil Writ Petition No. 6611/2011 decided on 19.10.2023) and Jagdish Prasad Vs. The State of Rajasthan & Others (S.B Civil Writ Petition No. 13682/2024 decided on 05.03.2025).**

24. The Court has given its thoughtful consideration to the rival submissions advanced by learned counsel for the parties and perused the material available on record.

25. The principal contention of the petitioner is that the impugned charge-sheet deserves to be quashed on the ground of inordinate delay. However, from the record it transpires that upon the respondents acquiring knowledge of the report dated 29.06.2020 and the communication addressed by the petitioner to the DCGI on 01.07.2020, a show cause notice was issued to the

petitioner on 11.01.2021, to which he submitted a reply on 13.01.2021. The material placed before this Court indicates that the matter was thereafter examined at the appropriate administrative level and only upon due consideration a decision was taken to initiate proceedings under Rule 16 of the Rules of 1958. In such circumstances, it cannot be said that the respondents remained inactive or that the charge-sheet was issued mechanically after unexplained delay. The period consumed in examining the reply to the show cause notice and in taking an administrative decision to initiate disciplinary proceedings cannot, by itself, be termed as arbitrary or fatal.

26. So far as the alleged delay in appointment of the Enquiry Officer is concerned, the record reflects that the petitioner did not submit a comprehensive reply to the charge-sheet but filed responses in piecemeal and moved repeated applications seeking inspection of documents and raising objections regarding adequacy of opportunity. The respondents, in order to ensure adherence to principles of natural justice, permitted inspection and also granted personal hearing before proceeding further. The petitioner submitted another reply on 07.05.2025, which was examined before the Enquiry Officer came to be appointed on 29.10.2025. In these facts, the delay, if any, cannot be attributed solely to the respondents. It is well settled that where the delinquent officer contributes to the prolongation of proceedings, he cannot subsequently turn around and assail the enquiry on the ground of delay.

27. The Court is also mindful of the settled principle that delay by itself does not vitiate disciplinary proceedings unless it is

shown to have caused serious and irreparable prejudice. No such demonstrable prejudice has been made out by the petitioner. On the contrary, the material suggests that adequate opportunity has been afforded to him and that part of the delay is attributable to his own procedural objections.

28. In the case of **P.V. Mahadevan vs. MD, T.N. Housing Board, (2005) 6 SCC 636**, the Hon'ble Supreme Court held as under:

"7. The very same ground has been specifically raised in this appeal before this Court wherein it is stated that the delay of more than 10 years in initiating the disciplinary proceedings by issuance of charge memo would render the departmental proceedings vitiated and that in the absence of any explanation for the inordinate delay in initiating such proceedings of issuance of charge memo would justify the prayer for quashing the proceedings as made in the writ petition."

29. In the case of **Secretary, Forest Department & Others vs. Abdur Rasul Chowdhury, (2009) 7 SCC 305**, the Hon'ble Supreme Court dealt with the issue and observed that delay in concluding the domestic enquiry is not always fatal. It depends upon the facts and circumstances of each case. The unexplained protracted delay on the part of the employer may be one of the circumstances in not permitting the employer to continue with the disciplinary proceedings. At the same time, if the delay is explained satisfactorily then the proceedings should not be permitted to continue.

30. The Hon'ble Apex Court in the case of **Anant R. Kulkarni vs. Y.P. Education Society & Others, (2013) 6 SCC 515** has observed thus:

"14. The court/tribunal should not generally set aside the departmental enquiry, and quash the charges on the ground of delay in initiation of disciplinary proceedings, as such a power is de hors the limits of judicial review. In the event that the court/tribunal exercises such power, it exceeds its power of judicial review at the very threshold. Therefore, a charge-sheet or show-cause notice, issued in

the course of disciplinary proceedings, cannot ordinarily be quashed by the court. The same principle is applicable in relation to there being a delay in conclusion of disciplinary proceedings. The facts and circumstances of the case in question must be carefully examined taking into consideration the gravity/magnitude of the charges involved therein. The court has to consider the seriousness and magnitude of the charges and while doing so the court must weigh all the facts, both for and against the delinquent officers and come to the conclusion which is just and proper considering the circumstances involved. The essence of the matter is that the court must take into consideration all relevant facts, and balance and weigh the same, so as to determine, if it is in fact in the interest of clean and honest administration that the said proceedings are allowed to be terminated only on the ground of delay in their conclusion."

31. Judgment of the Hon'ble Supreme Court in the case of **M.V. Bijlani (supra)**, as relied upon by the petitioner had altogether different facts, where there were no justification whatsoever for instituting charge sheet after 5 years of the incidents, followed by delay of 7 years caused by the enquiry officer in concluding the enquiry and further 7 years taken by the Appellate Authority in deciding the appeal against penalty order, which was decided by a cryptic and unreasoned order. Hence, the above judgment is not at all applicable in the present case.

32. In the present case, it cannot be held that there was an unexplained delay of in initiating the departmental proceedings. As observed hereinabove, proper explanation has been given by the Respondents for delay of two years in issuing the charge sheet, in as much as that the authorities have in fact waited for ascertaining the correct facts of irregularities committed by the petitioner, and after ascertaining all the irregularities as well as after calling explanation from the petitioner, he was issued the chargesheet. Hence, the disciplinary proceedings cannot be set aside on the ground of delay.

33. The further submission of the petitioner that departmental proceedings are liable to be quashed solely on the ground that the Government instructions contemplate completion of enquiry within seven months also does not merit acceptance. Administrative instructions prescribing timelines are directory in nature and intended to ensure expeditious disposal. Unless it is demonstrated that such delay has caused manifest prejudice or that the proceedings are actuated by mala fides, mere deviation from the prescribed timeline does not render the charge-sheet void. In the present case, no specific prejudice has been established by the petitioner.

34. Section 33P of the Act of 1940 reads as under:

"33P. Power to give directions.-The Central Government may give such directions to any State Government as may appear to the Central Government to be necessary for carrying into execution in the State any of the provisions of this Act or of any rule or order made thereunder."

35. The aforesaid provision empowers the Central Government to issue directions to State Governments for carrying into execution the provisions of the Act of 1940 and such directions are binding in character. The legislative intent underlying Section 33P of the Act of 1940 is to ensure uniformity and consistency in the enforcement of drug regulatory standards across the country, particularly in matters having public health implications. Once guidelines are issued by the Central Government in exercise of statutory powers under the said provision, the State authorities and their instrumentalities are under a legal obligation to implement the same in letter and spirit. The State functionaries act as implementing agencies under the scheme of the Act and cannot dilute, modify or deviate from such directions on their own accord. Any action contrary to or

inconsistent with the directions issued under Section 33P of the Act of 1940 would amount to acting beyond jurisdiction and in breach of the statutory mandate.

36. The contention of the petitioner that the Guidelines issued under Section 33P of the Act of 1940 are merely directory and that non-compliance cannot amount to misconduct also cannot be accepted at this stage. While the power of the Central Government to issue guidelines may be discretionary, once such guidelines are issued in exercise of statutory authority, they are required to be adhered to by the State authorities entrusted with implementation. Whether the petitioner's actions amounted to permissible administrative initiative or constituted deviation from binding norms is a matter requiring examination of facts and evidence, which properly falls within the domain of the departmental enquiry. This Court, in exercise of writ jurisdiction, does not sit as an appellate authority over the correctness of charges at the threshold.

37. Contention of the petitioner that since he was holding the post of Drug Controller, who is head of Drug Controller Organization under the Rules of 1963, therefore, for the purpose of guidelines issued by the Central Government, being responsible officer, was competent to act as State Government, is totally misconceived and unfounded in view of prevailing provisions of law. This Court also examined the Rules of 1963 and found that the post of Drug Controller has been placed in Schedule-II appended to the Rules of 1963 and as per Rule 4(1) (c) & (d) of the Rules of 1963, hence, the claim put forward by the petitioner

with regard to status and powers of Drug Controller is totally misplaced and baseless.

38. This court also finds that under the scheme of the Act of 1940, the powers specifically vested in the "State Government" cannot be usurped or exercised by an individual statutory authority such as the Drug Controller unless there is an express delegation in accordance with law. The expression "State Government," as used in the Act, if read in consonance with the Rajasthan Rules of Business framed under Article 166(3) of the Constitution of India, denotes the Government acting through its competent administrative head, ordinarily the Secretary to the Government of the concerned Department, and not an individual officer functioning under it. In absence of any statutory delegation, the Drug Controller, though an important regulatory authority, remains an implementing functionary and cannot assume to himself powers which the statute reserves for the State Government. Any such assumption of authority would be de hors the Act and contrary to the established principles of administrative law governing distribution and exercise of statutory powers. In view of above, equally untenable is the submission that the petitioner, by virtue of holding the post of Drug Controller, was competent to constitute the committee and forward recommendations to the DCGI in the manner done. The respondents have specifically alleged that the petitioner acted without prior approval of the State Government and thereby exceeded his authority. With a view to save the enquiry proceedings from being influenced by any of the observation in this petition, this court finds that the question whether such action

was within his competence or amounted to overreach of jurisdiction is again a matter to be adjudicated in the enquiry proceedings. At this preliminary stage, this Court cannot conclusively record findings on disputed questions relating to authority, intent, or effect of the petitioner's conduct.

39. Needless to mention here that every Government Servant, while in service of Government of Rajasthan, is bound to follow the Rajasthan Civil Services (conduct) Rules, 1971 (for short 'the Rules of 1971'), which have been framed to regulate the conduct of Government Servants. Rules 3 and 13 of the Rules of 1971 lay down as under:-

"3. General: (1) *Every Government servant shall at all times-*

(i) maintain absolute integrity; and

(ii) maintain devotion to duty and dignity of office.

(2) (i) *Every Government servant holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all Government servants for the time being under his control and authority;*

(ii) No Government servant shall, in the performance of his official duties or in the exercise of powers conferred on him, act otherwise than in his best judgment except when he is acting under the direction of his official superior and shall, where he is acting under such direction, obtain the direction in writing, wherever practicable, and where it is not practicable to obtain the direction in writing, he shall obtain written confirmation of the direction as soon thereafter as possible.

Explanation: *Nothing in clause (ii) of sub-rule (2) shall be constituted as empowering a Government servant to evade his responsibilities by seeking instructions from, or approval of, a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.*

13. Unauthorised communication of information: *No Government servant shall, except in accordance with any general or special order of the Government or in the performance in good faith of the duties assigned to him, communicate directly or indirectly any official document or part thereof or information to any Government servant or any other person to whom he is not authorised to communicate such document or information.*

Explanation: Quotation by a Government servant in his representation to the Head of Office or Head of Department or Governor, of, or from, any letter circular or office memorandum or from the notes on any file to which he is not authorised to have access, or which he is not authorised to keep in his personal custody or for personal purposes, shall amount to unauthorised communication of information within the meaning of this rule.”

(emphasis supplied)

40. The plea that the charge-sheet is vague and contents thereof does not constitute any misconduct by bare reading, has also been considered by this court in the light of aforesaid Rules 3 and 13 of the Rules of 1971. In the case of **Union of India & Others vs. J. Ahmed (supra)**, the Hon'ble Supreme Court observed that Code of Conduct as set out in the Conduct Rules clearly indicates the conduct expected of a member of service. It would follow that conduct which is blameworthy for the Government Servant in the context of Conduct Rules would be misconduct. If a Government servant conduct himself in a way inconsistent with due and faithful discharge of his duty in service, it is misconduct.

41. While delivering judgment in the case of **Rasiklal Vaghajibhai Patel (supra)**, the Hon'ble Supreme Court observed as under:

"4. It is thus well-settled that unless either in the Certified Standing Order or in the service regulations an act or omission is prescribed as mis-conduct, it is not open to the employer to fish out some conduct as misconduct and punish the workman even though the alleged misconduct would not be comprehended in any of the enumerated misconducts."

42. In the light of above Rules of 1971 and the guidelines given by the Hon'ble Supreme Court, this Court examined the issue of vagueness of the chargesheet raised by the Petitioner. This court finds that, in the present case, a perusal of the charge memorandum indicates that the factual allegations, including constitution of a committee, preparation of report, and

communication to the DCGI without approval of the State Government, exceeding his official powers without the State Government's permission and misusing his position to grant relaxation in cases of substandard drugs, and by not granting prosecution sanction for running cases in respect of drug samples declared as grossly substandard category, he had directly attempted to benefit the guilty manufacturers/ institutions/ persons, have been specifically set out. The petitioner has been able to submit detailed replies addressing these allegations. This itself demonstrates that he was aware of the nature of accusations and was not handicapped in preparing his defence. The charge-sheet, therefore, cannot be said to be so vague or indefinite as to warrant interference at the threshold. In the present case, the allegations, if proved, may constitute misconduct under Rules 3 and 13 of the Rules of 1971 being related to excess of authority and non-compliance with binding guidelines and acting against the interest of the Government. Whether they are ultimately established is a matter for the disciplinary authority to determine on the basis of evidence. The petitioner will have adequate opportunity to raise all permissible defences before the Inquiry Officer, including the question whether prior approval was necessary or whether his actions were within administrative competence.

43. This Court also finds no material to substantiate the allegation of mala fides. Allegations of mala fides must be specific and supported by cogent material, which is absent in the present case.

44. It is trite law that the scope of judicial review in matters relating to issuance of charge-sheet and pendency of departmental enquiry is extremely limited. It is not the function of this Court, in exercise of powers under Article 226 of the Constitution of India, to examine the correctness of charges or sufficiency of material at the stage of inquiry. Interference is warranted only where the charge-sheet is issued without jurisdiction, is patently illegal, or where the allegations, even if taken at face value, do not disclose any misconduct.

45. In the case of **Union of India & Another vs. Kunisetty Satyanarayana (supra)**, the Hon'ble Supreme Court has clear held :

"16. No doubt, in some very rare and exceptional cases the High Court can quash a charge-sheet or show-cause notice if it is found to be wholly without jurisdiction or for some other reason if it is wholly illegal. However, ordinarily the High Court should not interfere in such a matter."

46. In the case of **The Secretary, Ministry of Defence & Others vs. Prabhash Chandra Mirdha, (2012) 11 SCC 565**, the Hon'ble Supreme Court observed as under:

"12. Thus, the law on the issue can be summarised to the effect that the charge-sheet cannot generally be a subject-matter of challenge as it does not adversely affect the rights of the delinquent unless it is established that the same has been issued by an authority not competent to initiate the disciplinary proceedings. Neither the disciplinary proceedings nor the charge-sheet be quashed at an initial stage as it would be a premature stage to deal with the issues. Proceedings are not liable to be quashed on the grounds that proceedings had been initiated at a belated stage or could not be concluded in a reasonable period unless the delay creates prejudice to the delinquent employee. Gravity of alleged misconduct is a relevant factor to be taken into consideration while quashing the proceedings."

47. In view of the above discussion, this Court is of the considered opinion that the writ petition is premature and devoid of merit. No ground is made out for interference with the

memorandum dated 19.09.2022 or order dated 29.10.2025 appointing the Inquiry Officer.

S.B.Civil Writ Petition no. 19398/2025

48. Above writ petition has been filed by the petitioner contending therein that while the petitioner was holding the post of Drug Controller, information was received regarding alleged disappearance/misappropriation and circulation of suspected spurious medicines by M/s Ajota Enterprises. Pursuant thereto, the Assistant Drug Controller, Jodhpur was directed to conduct an inquiry. The firm was inspected on 27.03.2017 and 23.06.2017 by the concerned Drug Control Officers. Upon investigation, discrepancies were found in the purchase and sale records. Medicines were shown as sold to non-existent firms, to firms which denied such purchases, or in quantities inconsistent with actual transactions. Contradictions were detected between sales bills and corresponding purchase bills at 52 shops and certain records were found to be tampered with and forged. On finding *prima facie* violations of the Act of 1940, a show cause notice dated 05.09.2017 was issued to the firm. However, vide letter dated 14.09.2017, the State Government directed that proceedings be kept pending. Thereafter, statements of the petitioner and other officers were recorded on 15.12.2017 and subsequently, in February 2018, the earlier order keeping proceedings in abeyance was withdrawn with directions to proceed in accordance with law.

49. It was stated that further correspondence took place between the petitioner and the Department of Medical & Health in February–March 2018. On 30.04.2018, a show cause notice was

issued to the petitioner regarding the action taken against the firm, to which the petitioner submitted a detailed reply on 16.05.2018 explaining the procedure adopted. After a lapse of approximately five years, the petitioner was served with a Memorandum dated 18.09.2023 under Rule 16 of the Rules of 1958, initiating disciplinary proceedings.

50. Allegations in the charge sheet were that during his posting as Drug Controller, Drugs Control Organization, Jaipur, the petitioner did not issue any instructions to the Assistant Drug Controller, Jodhpur, or any Drug Control Officer to verify the bills of any of the 31 firms in Jodhpur that were purchasing medicines from the firm M/s New Medicine Point, Sri Ganganagar, engaged in selling spurious drugs, even though stock of medicines purchased from New Medicine Point was also found with these firms, and samples taken from these firms were also declared spurious/substandard. On the other hand, no stock of medicines purchased from New Medicine Point, Sri Ganganagar, was found with Ajoota Enterprises firm, yet the Petitioner issued instructions for investigation of 181 buyer firms purchasing medicines from Ajoota firm. His such act was against his official duties, and by not ordering any legal/judicial action against firms engaged in the trade of spurious drugs, the petitioner failed to perform your duties. In this manner, he was responsible for gross negligence and serious misconduct in the discharge of official duties.

51. The petitioner submitted a detailed reply denying the allegations and stating that the matter had earlier been examined and closed by the Anti-Corruption Bureau. Notwithstanding the same, by order dated 29.10.2025, an Inquiry Officer was

appointed to proceed with the departmental inquiry, and the petitioner was directed, vide letter dated 01.12.2025, to appear before the authority in connection with the charges. Aggrieved thereby, the petitioner has approached this Court challenging the Memorandum dated 18.09.2023, the order dated 29.10.2025 appointing the Inquiry Officer and the consequential proceedings. The Charge sheet and appointment of enquiry officer has mainly been challenged by the petitioner on two grounds that the charge sheet has been issued after a considerable delay of 5 years and appointment of enquiry officer has further taken two more years. Second ground raised by the Petitioner is that no misconduct is made out from bare perusal of the contents of charge sheet.

52. This court has examined the principles governing the challenge to charge sheet and further proceedings while deciding the aforesaid S.B. Civil Writ Petition 19397/2025, where both the aforesaid grounds have been tested on the basis of prevailing rules, guidelines, rival arguments and precedential law. Findings given here-in-above are equally applicable in the instant case also.

53. The contention of the petitioner that the charge sheet is liable to be quashed on the ground of delay of about five years in its issuance and a further delay of nearly two years in appointment of the Inquiry Officer, does not merit acceptance. As observed here-in-above that delay, by itself, does not vitiate disciplinary proceedings unless it is shown to have caused specific and demonstrable prejudice to the delinquent officer. In the present case, the allegations relate to irregularities in discharge of official duties concerning investigation of serious violations under the Act of 1940, involving scrutiny of records of multiple firms and

inter-departmental correspondence. The matter required examination at different administrative levels before initiation of proceedings. The petitioner has neither pleaded, nor established any real prejudice caused to his defence on account of the alleged delay. In absence of such prejudice and considering the nature and seriousness of the allegations, the proceedings cannot be interdicted merely on the ground of lapse of time.

54. The further submission that the disciplinary authority took nearly two years to appoint an Inquiry Officer also does not invalidate the proceedings. The appointment of an Inquiry Officer is an administrative step in continuation of the disciplinary process. Unless the delay is shown to be deliberate, mala fide or resulting in denial of reasonable opportunity, it does not render the charge sheet or inquiry void. No material has been placed on record to demonstrate that the delay was actuated by malice or that it has impaired the petitioner's right to defend himself effectively.

55. The argument that a bare perusal of the charge sheet does not disclose any misconduct under the Rules of 1971 is equally untenable. At the stage of challenge to a charge sheet, this Court cannot conduct a mini-trial or examine the correctness or sufficiency of the allegations. The test is whether the imputations, if taken at face value, disclose acts or omissions which may amount to negligence, dereliction of duty or failure to maintain devotion to duty and integrity expected of a government servant. The charge sheet in the present case alleges failure to properly verify transactions, omission to initiate appropriate legal action and acts contrary to official duties in a matter involving

spurious drugs. Such allegations, if proved, would prima facie constitute misconduct within the meaning of the Rules of 1971.

56. Scope of writ petition in such matters has already been discussed here-in-above. For the foregoing reasons, the grounds urged by the petitioner do not warrant exercise of writ jurisdiction, and the petition deserves to be rejected.

57. Accordingly, both the above writ petitions are hereby dismissed. It is, however, observed that the disciplinary proceedings shall be concluded expeditiously in accordance with law and the petitioner shall be afforded full opportunity of hearing and defence as contemplated under the Rules of 1958.

58. Pending applications, if any, stand disposed of.

59. Office is directed to place a copy of this judgment on record of connected writ petition.

(ANAND SHARMA),J