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## JUDICIAL REVIEW OF DISCIPLINARY PROCEEDINGS IN CIVIL SERVANTS: SAFEGUARDING FAIRNESS IN ADMINISTRATIVE ACTION

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### ABSTRACT

*Disciplinary proceedings are integral to upholding accountability, integrity, and efficiency in civil services. However, these proceedings, often initiated and concluded by administrative authorities, carry the risk of misuse, arbitrariness, or procedural unfairness. In this context, judicial review serves as a vital safeguard, ensuring that the rights of civil servants are protected and that administrative actions adhere to constitutional and legal standards. This paper explores the role and scope of judicial review in the context of disciplinary proceedings against civil servants. While the disciplinary authority possesses the right to initiate and impose penalties for misconduct, such powers must be exercised within the framework of legality, reasonableness, and procedural propriety. Courts, through judicial review, assess whether administrative decisions respect fundamental legal principles such as natural justice, proportionality, and absence of mala fide intent. The paper delves into the core grounds on which judicial review is permissible: violation of natural justice (including the right to a fair hearing and impartiality), illegality (exceeding legal authority), irrationality (Wednesbury unreasonableness), and disproportionate punishment. It also highlights the limitations of judicial review in service matters, emphasizing that courts do not function as appellate bodies and do not substitute their judgment for that of the disciplinary authority unless the process is demonstrably flawed. Drawing from key judicial decisions and constitutional provisions (notably Article 311 in India), the article underscores how the judiciary has shaped the contours of service jurisprudence. Ultimately, judicial review acts not only as a check against arbitrary administrative action but also as a mechanism to balance institutional discipline with individual rights. The study concludes that a robust judicial review framework enhances the legitimacy of disciplinary proceedings and reinforces the broader values of rule of law and good governance in public administration.*

**Keywords:** Natural Justice, Proportionality, Wednesbury unreasonableness, Article 311, Administrative Discretion.

### 1. INTRODUCTION

In a democratic administrative framework, the civil service plays a crucial role in implementing government policies and delivering public services. To maintain integrity, efficiency, and discipline within this machinery, disciplinary proceedings serve as a vital mechanism for addressing misconduct or dereliction of duty by civil servants. However, such proceedings, which are predominantly conducted by administrative authorities, raise

critical concerns regarding the exercise of discretionary power, the potential for arbitrary or biased actions, and the violation of procedural safeguards. It is in this context that judicial review emerges as a necessary and powerful tool for ensuring that disciplinary actions adhere to the principles of fairness, legality, and justice. Judicial review is a constitutional remedy that empowers courts to examine the validity of administrative decisions. Unlike an appellate function, judicial review



does not assess the merits of the case but rather scrutinizes the decision-making process to ensure compliance with legal and procedural norms. In service jurisprudence, courts have increasingly intervened where disciplinary actions against civil servants are found to be vitiated by procedural impropriety, irrationality, mala fide intentions, or disproportionate punishment. The importance of judicial review in disciplinary matters lies in its ability to protect the rights of public servants while preserving the efficiency and autonomy of administrative institutions. It upholds natural justice including the right to a fair hearing and an unbiased inquiry and ensures that disciplinary authorities do not overstep their legal bounds. At the same time, courts exercise restraint, recognizing that excessive judicial interference could undermine administrative discipline and efficiency.

This research seeks to examine the scope, grounds, and limitations of judicial review in disciplinary proceedings involving civil servants. Through a doctrinal analysis of constitutional provisions, service rules, and judicial precedents, it aims to explore how courts act as custodians of fairness in public employment, striking a balance between institutional control and individual rights.

### 1.1. BACKGROUND OF THE STUDY:

The civil service serves as the foundation for public administration and policy implementation in democracies. Civil servants are entrusted with critical responsibilities, including delivering public services, managing state resources, and maintaining administrative continuity. Given the significance of these roles, ensuring discipline, accountability, and ethical conduct within the civil service is essential. This is achieved primarily through disciplinary mechanisms prescribed under various service rules and administrative regulations. These proceedings aim to correct misconduct, enforce standards of behavior, and maintain the integrity of public administration. However, disciplinary proceedings are largely conducted internally by administrative authorities who possess significant discretionary power. While

this internal control allows for swift and institutionally managed accountability, it also raises significant legal and ethical concerns. The discretionary nature of administrative action can sometimes result in misuse of power, procedural lapses, arbitrary decision-making, and, at times, punishment disproportionate to the alleged misconduct. These risks are heightened in the absence of adequate checks and balances on administrative authority. To mitigate such risks and ensure adherence to the rule of law, judicial review emerges as a critical constitutional safeguard. Judicial review is not concerned with the substantive merits of the disciplinary decision but with the legality, rationality, and fairness of the process by which it was made. It provides civil servants an avenue to challenge disciplinary actions that violate procedural norms, are tainted by bias or mala fide intentions, or fail to meet standards of proportionality. The judiciary, through the exercise of review powers under constitutional provisions like Articles 14, 16, and 311 (in the Indian context, for example), has played an instrumental role in shaping the contours of administrative fairness and protecting the fundamental rights of civil servants.

Over time, courts have developed a rich body of jurisprudence in service law, particularly focusing on the principles of **natural justice**, **reasonableness**, **non-arbitrariness**, and **procedural fairness**. The courts have consistently held that public servants, although subject to administrative discipline, are entitled to a fair hearing, impartial inquiry, and reasoned decisions. At the same time, the judiciary has shown restraint in interfering with administrative discretion unless the decision is clearly perverse or vitiated by illegality. Despite this balance, several challenges remain. Concerns persist about inconsistent judicial standards, the delayed nature of litigation, and the ambiguity regarding the boundaries of judicial intervention in service matters. Furthermore, judicial review cannot always substitute for institutional reforms within administrative systems to ensure procedural justice at the first instance.

This research, therefore, seeks to examine the **scope, grounds, and limitations** of judicial review in the context of disciplinary proceedings against civil servants. It aims to critically analyze how judicial oversight operates as a mechanism of accountability and fairness within administrative systems. Through a doctrinal study of constitutional provisions, statutory frameworks, and judicial decisions, this research will assess how courts have shaped the legal landscape surrounding civil service discipline, and to what extent such interventions promote justice without compromising administrative efficiency.

## 1.2. LITERATURE REVIEW

The judicial review of disciplinary proceedings has been the subject of substantial academic and judicial analysis, particularly in the context of balancing administrative discretion with individual rights. The literature in this field primarily focuses on the evolution of judicial standards, the doctrine of natural justice, and the role of constitutional provisions in safeguarding fairness in service jurisprudence.

### Foundational Works on Judicial Review

Scholars such as **Wade and Forsyth**<sup>249</sup> in *Administrative Law* emphasize that judicial review is a vital mechanism to ensure that administrative authorities act within the bounds of law and fairness. They argue that while courts do not substitute their judgment for that of the authority, they ensure that legal procedures are followed and fundamental rights are respected.

### Judicial Review in Indian Administrative Law

Indian administrative law has evolved through significant constitutional and judicial developments. **Jain (2013)** notes that judicial review in India derives primarily from *Articles 14, 16, and 21*, which guarantee equality, non-discrimination, and due process. Service law decisions are often challenged under Article 226 before High Courts and under Article 32 before the Supreme Court.

<sup>249</sup> Wade, W., & Forsyth, C. (2014). *Administrative Law* (11th ed.). Oxford University Press.

**H.M. Seervai (2012)** emphasizes that disciplinary proceedings under Article 311 must adhere to natural justice principles. He argues that even when the Constitution permits summary dismissal such power must be exercised with caution and subject to judicial scrutiny in cases of mala fide or arbitrariness.

### Natural Justice and Procedural Fairness

The principles of *audi alteram partem* (right to be heard) and *nemo iudex in causa sua* (no one should be a judge in their own cause) form the bedrock of natural justice. Authors like **De Smith**<sup>250</sup> and **I.P. Massey** have extensively analyzed how these principles have been judicially interpreted in cases involving civil servants. Indian courts, particularly the Supreme Court, have played a pivotal role in affirming that these principles are implicit in Articles 14 and 21 of the Constitution.

### Indian Judicial Perspective

In landmark cases like *Maneka Gandhi v. Union of India*<sup>251</sup> and *Union of India v. Tulsiram Pate*<sup>252</sup>, the Supreme Court emphasized that fairness and reasonableness are essential elements of state action. The case of *Kumari Shrelekha Vidarthi v. State of U.P.*<sup>253</sup> further reaffirmed the applicability of Article 14 in employment-related administrative decisions.

Service law scholars such as **M.P. Jain**<sup>254</sup> and **H.M. Seervai**<sup>255</sup> have elaborated on how judicial review in India has developed a robust framework to scrutinize administrative action while maintaining respect for institutional autonomy.

### Challenges and Criticisms

Despite the judiciary's active role, some scholars point out limitations. **Upendra Baxi** and **A.G. Noorani** caution against "judicial overreach" and stress that courts must avoid

<sup>250</sup> De Smith, S. A., Woolf, H., & Jowell, J. (2007). *Judicial Review of Administrative Action* (6th ed.). Sweet & Maxwell.

<sup>251</sup> AIR 1978 SC 597

<sup>252</sup> (1985) 3 SCC 398.

<sup>253</sup> (1991) 1 SCC 212

<sup>254</sup> Jain, M. P. (2013). *Indian Constitutional Law* (7th ed.). LexisNexis

<sup>255</sup> Seervai, H. M. (2012). *Constitutional Law of India* (4th ed.). Universal Law Publishing.

micromanaging administrative functions. Critics also argue that excessive litigation can delay justice and demoralize civil service discipline.

While judicial review is essential for protecting rights, excessive interference can compromise administrative discipline. **Baxi (1985)**<sup>256</sup> warns against “judicial populism” and cautions that courts must exercise restraint to preserve the efficiency of the civil service. The doctrine of proportionality, discussed in *Om Kumar v. Union of India* (2001), has been used to balance the severity of punishment with the gravity of misconduct, ensuring that disciplinary authority is not exercised punitively.

### Recent Developments

Recent jurisprudence has focused on the *proportionality test* and the *doctrine of legitimate expectation*. Courts have become increasingly cautious about arbitrary punishments and lack of reasoning in disciplinary orders. The use of digital tools and procedural reforms in conducting inquiries has also entered the academic discourse, although still under-researched.

### Comparative Perspectives

In comparative jurisdictions such as the UK and Canada, courts similarly emphasize procedural fairness and legality. **Craig (2012)**<sup>257</sup> argues that judicial review functions as an accountability tool that complements, rather than supplants, administrative processes. The Indian position, while more constitutionally grounded, aligns closely with these common law traditions.

### 1.3. RESEARCH QUESTION:

- 1) What are the key procedural safeguards considered by courts in the judicial review of disciplinary proceedings involving civil servants?
- 2) To what extent does judicial review provide an effective mechanism for addressing allegations of procedural

and substantive unfairness in disciplinary actions against civil servants?

- 3) What legal and institutional constraints hinder the effectiveness of judicial review in ensuring fairness during disciplinary proceedings in the civil service?

### 1.4. RESEARCH OBJECTIVE:

1. To analyze the legal framework governing judicial review of disciplinary proceedings in the civil service.
2. To evaluate the role of judicial review in safeguarding procedural fairness and natural justice in disciplinary actions against civil servants.
3. To examine the effectiveness of judicial intervention in protecting the rights of civil servants during administrative disciplinary processes.
4. To identify and assess the legal and institutional limitations that restrict the scope and impact of judicial review in disciplinary matters involving civil servants.

### 1.5. SCOPE AND LIMITATIONS

The study is confined primarily to the Indian legal system but includes brief references to comparative jurisprudence. It focuses only on **disciplinary proceedings against civil servants** and does not cover disciplinary actions in private or quasi-public employment. Empirical data such as interviews or surveys are not included, as the research is doctrinal.

### 2. HISTORY OF JUDICIAL REVIEW IN INDIA

The idea of judicial review was first developed in the United States, where the Supreme Court defined its power to invalidate laws that were contrary to the US Constitution. In India, the idea of judicial review was taken from the US Constitution but was modified according to the Indian context. US Constitution is one of the Sources of Indian Constitution. The

<sup>256</sup> Baxi, U. (1985). *The Crisis of the Indian Legal System*. Vikas Publishing House.

<sup>257</sup> Craig, P. P. (2012). *Administrative Law* (7th ed.). Sweet & Maxwell.

evolution of judicial review in India may be traced back to the role of the U.S. Constitution. India, though, has developed this on its own and made it tailor-made for the Indian constitutional and social texture. This history accounts for India's devotion to an adaptive and developmental judiciary that could keep pace with the complications of a heterogeneous and populous democracy. The judicial review power was first established by the Supreme Court in the *Shankari Prasad v. Union of India* (1951)<sup>258</sup> case, where the court held that the Constitution placed no limitation on the amending power of Parliament. Though in the *Kesavananda Bharati v. State of Kerala case*<sup>259</sup> of 1973, the Supreme Court observed that there existed restraints over the amending power of Parliament, and also that the Constitution's basic framework could not be modified.

### 3. THE RATIONALE BEHIND CONSTITUTIONAL SAFEGUARDS FOR CIVIL SERVANTS IN INDIA:

Civil servants constitute a fundamental component of the governance structure in India, entrusted with implementing governmental policies and maintaining continuity in administrative functions. In the absence of legal protections, subjecting their employment conditions entirely to political discretion would expose them to arbitrary actions and pressure, compromising their impartiality and professional autonomy.

To counter this potential vulnerability, the Constitution of India incorporates specific provisions that aim to protect civil servants while ensuring they remain accountable to democratic authority. These constitutional mechanisms were envisaged to support fair administrative conduct and uphold the rule of law in public service.

### Primary Objectives of Constitutional Protections

The protections embedded within the Constitution are designed to serve two key purposes: Insulation from Political Interference. The safeguards aim to shield public servants from undue political influence or vindictive actions, thereby enabling them to execute their responsibilities without fear or favour. Promotion of Public Interest. In ensuring individual civil rights, the structure also allows for necessary discipline where there is inefficiency or malpractice. The balance ensures accountability to the public is not adversely affected.

### Doctrine of Pleasure and Article 310

Article 310 of the Constitution reflects the *Doctrine of Pleasure*, a principle inherited from British constitutional law, under which civil servants serve at the discretion of the executive specifically, the President at the Union level and the Governor at the State level. The article makes provision that appointments to civil offices may be revoked at any time, with the incumbent serving "during the pleasure" of the President or Governor.

Nonetheless, as opposed to its counterpart in Britain, where this doctrine is categorical, its applicability in India is limited by significant restrictions. These restrictions occur mostly in Article 311, which prescribes procedural checks against arbitrary dismissal or removal.

### Procedural Safeguards Under Article 311

Article 311 of the Constitution provides legal protection to civil servants by laying down clear procedural requirements that must be followed before disciplinary action can be taken. These include:

#### 1. Article 311(1): Authority of Dismissal

This clause stipulates that no civil servant shall be dismissed or removed from service by an authority lower than the one who appointed them. The intent behind this provision is to

<sup>258</sup> AIR 1951 SC 458

<sup>259</sup> AIR 1973 SC 1461; (1973) 4 SCC 225

prevent lower-level officers from exercising disproportionate power over employees, thus offering a layer of institutional security.

## 2. Article 311(2): Opportunity of Hearing

Under this provision, civil servants are entitled to be informed of the charges against them and granted a reasonable opportunity to present their defence before being dismissed, removed, or demoted. This procedural guarantee reflects the principles of natural justice and ensures that disciplinary proceedings are conducted fairly and transparently.

### **The disciplinary process must adhere to the following steps to ensure compliance with Article 311:**

- (a) Service of Charge Sheet: A formal communication outlining the charges and accompanying statement of allegations must be delivered to the concerned civil servant.
- (b) Conduct of Inquiry: An impartial inquiry must be held, during which the accused has the right to present evidence, cross-examine witnesses, and contest the charges.
- (c) Right of Representation: The civil servant must be afforded a full opportunity to respond to the accusations and present mitigating factors or justifications.
- (d) Appellate Remedies: In most instances, civil servants have recourse to appeal against the findings or penalties imposed.
- (e) These procedural norms uphold due process and aim to deter arbitrary or prejudicial actions by authorities.

## 4. EXCEPTIONS TO ARTICLE 311(2) PROTECTIONS

Despite these protections, the Constitution outlines specific circumstances under which the procedural requirements of Article 311(2) may be bypassed. These exceptions are:

- (a) Criminal Conviction: If a civil servant has been convicted of a criminal offence, the necessity for an inquiry can be waived.

- (b) Impracticability of Inquiry: When the disciplinary authority determines that conducting an inquiry is not reasonably practicable such as in cases involving threats to witnesses or urgent administrative necessity this requirement may be set aside, provided reasons are recorded in writing.

- (c) Threat to State Security: If an inquiry is deemed against the interest of national or state security, it can be lawfully dispensed with based on the satisfaction of the President or Governor.

## 5. EFFECTIVENESS OF JUDICIAL REVIEW IN ADDRESSING PROCEDURAL AND SUBSTANTIVE UNFAIRNESS IN DISCIPLINARY ACTIONS AGAINST CIVIL SERVANTS

Judicial review functions as a critical mechanism in safeguarding civil servants against arbitrary or unjust disciplinary actions by ensuring that both procedural and substantive aspects of fairness are upheld. In administrative law, fairness is not merely formal but substantive, requiring authorities to act within the boundaries of reasonableness, impartiality, and legality. Judicial review, unlike an appellate process, does not reassess the factual matrix or the merits of the disciplinary findings but examines whether the process followed and the decision rendered are legally sustainable and constitutionally valid<sup>260</sup>. The Indian judiciary, especially the High Courts under Article 226 and the Supreme Court under Article 32 of the Constitution, has consistently held that public authorities are bound by constitutional principles such as equality before the law (Article 14), equality of opportunity in public employment (Article 16), and right to life and personal liberty (Article 21). In *Maneka Gandhi v. Union of India*<sup>261</sup>, the Supreme Court emphasized that any procedure depriving a person of liberty must be “just, fair and reasonable”, thus bringing disciplinary proceedings within the ambit of Article 21.

<sup>260</sup> *Syed T.A. Naqsbhandi v. State of J&K*, (2003) 9 SCC 592

<sup>261</sup> *Ibid*

Judicial review has proven particularly effective in addressing procedural unfairness, such as failure to provide a hearing, denial of access to inquiry reports, bias of inquiry officers, and non-compliance with the Central Civil Services (Classification, Control and Appeal) Rules, 1965. In *A.K. Kraipak v. Union of India*, the Supreme Court blurred the distinction between administrative and quasi-judicial actions, holding that principles of natural justice must apply wherever administrative decisions affect rights or interests<sup>262</sup>.

As for substantive unfairness, courts have interfered in cases where the punishment imposed is shockingly disproportionate, indicating mala fide intention or abuse of discretion. In *Ranjit Thakur v. Union of India*<sup>263</sup>, the Court held that "the doctrine of proportionality" must be applied to ensure that the penalty is commensurate with the misconduct<sup>4</sup>. Similarly, in *P. Gunasekaran v. Union of India*, the Supreme Court reaffirmed that judicial review could extend to examining whether findings are perverse, based on no evidence, or arrived at through a flawed process<sup>264</sup>.

However, the effectiveness of judicial review is not absolute. Courts exercise judicial restraint to avoid undermining the authority of administrative bodies. They refrain from substituting their judgment for that of disciplinary authorities unless there is a clear violation of law or fundamental rights. This balanced approach preserves both institutional discipline and individual rights. Judicial review in India offers a constitutionally entrenched and legally robust mechanism for addressing both procedural and substantive unfairness in disciplinary actions. It acts as a vital tool for accountability, but its effectiveness depends on judicial prudence, procedural rigor, and the readiness of courts to strike down arbitrary actions without encroaching on the administrative domain.

<sup>262</sup> AIR 1970 SC 150

<sup>263</sup> (1987) 4 SCC 611

<sup>264</sup> (2015) 2 SCC 610

## 6. LEGAL AND INSTITUTIONAL CONSTRAINTS ON THE EFFECTIVENESS OF JUDICIAL REVIEW IN ENSURING FAIRNESS IN DISCIPLINARY PROCEEDINGS:

While judicial review has played a significant role in upholding the principles of fairness in disciplinary proceedings against civil servants, its effectiveness is often curtailed by several legal and institutional constraints. These limitations, both structural and operational, affect the accessibility, consistency, and timeliness of judicial remedies, thereby weakening the protection available to civil servants under the law. One of the most significant legal restraints is the narrow parameter of judicial review itself. It has been held by Indian courts all along that judicial review is not an appeal on merit but a supervisory jurisdiction limited to enquiring into the legality, compliance with procedure, and reasonableness of administrative orders<sup>265</sup>. This inherently restricted scope means that even when the decision appears harsh or unjust on facts, judicial intervention is not permissible unless the decision suffers from procedural impropriety, illegality, irrationality, or mala fide intent<sup>266</sup>. As a result, many civil servants are left remediless when disciplinary actions are factually debatable but not legally infirm. A related institutional constraint is the overburdened judiciary and the inordinate delay in adjudicating service matters. Disciplinary cases, though urgent in their impact on career and livelihood, often get lost in the backlog of cases pending before High Courts and Tribunals. This delay diminishes the value of judicial review as a timely corrective mechanism and may lead to irreparable harm to the affected employee's professional and personal life<sup>267</sup>.

<sup>265</sup> *Union of India v. P. Gunasekaran*, (2015) 2 SCC 610

<sup>266</sup> *Council of Civil Service Unions v. Minister for the Civil Service*, [1985] AC 374 (UKHL) – adopted in Indian jurisprudence for defining the grounds of judicial review.

<sup>267</sup> Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, Report on Judicial Reforms (2022) Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, Report on Judicial Reforms (2022)

Furthermore, inconsistent application of legal standards and principles of natural justice by different benches of courts and tribunals has led to unpredictability in outcomes. This inconsistency erodes confidence in judicial redress and sometimes incentivizes forum shopping, which further clogs the system. While landmark cases such as *Tulsiram Patel* and *Ranjit Thakur* laid down guiding principles, their interpretations have varied significantly in subsequent judgments<sup>268</sup>. Another significant challenge is the institutional incapacity of internal disciplinary authorities, including poor training of inquiry officers, lack of legal expertise, and non-adherence to procedural safeguards under the Central Civil Services (Classification, Control and Appeal) Rules, 1965. These deficiencies at the departmental level often result in flawed inquiries, compelling civil servants to seek judicial intervention. However, such institutional weaknesses also limit the effectiveness of judicial review, as courts often defer to the findings of the disciplinary authority unless there is a glaring violation<sup>269</sup>. Additionally, the absence of uniform disciplinary procedures across various services and departments leads to disparities in how misconduct is defined, assessed, and penalized. This lack of standardization creates confusion and complicates judicial evaluation, particularly in cases involving All India Services or autonomous bodies governed by separate service rules<sup>270</sup>.

while judicial review remains a vital safeguard against arbitrariness and unfairness in disciplinary actions, its effectiveness is undermined by both doctrinal constraints and systemic inefficiencies. Addressing these challenges requires not only judicial clarity and procedural reforms but also capacity building within administrative systems to ensure fair, consistent, and lawful handling of disciplinary matters.

## 7. COMPARATIVE INSIGHTS: JUDICIAL REVIEW OF DISCIPLINARY ACTIONS IN OTHER JURISDICTIONS AND LESSONS FOR THE INDIAN SYSTEM

A comparative perspective on judicial review of disciplinary proceedings helps illuminate how other legal systems balance administrative authority with individual rights, offering valuable lessons for India. Two jurisdictions particularly instructive in this regard are the United Kingdom and the United States of America.

### United Kingdom

In the UK, judicial review developed as a common law remedy to guarantee the legality of administrative action. The doctrine of **Wednesbury** unreasonableness, laid down in *Associated Provincial Picture Houses Ltd v. Wednesbury Corporation* (1948), provides a standard for courts to intervene in administrative decisions that are so unreasonable that no reasonable authority could ever have made them<sup>271</sup>. Disciplinary actions in the public service sector are subject to judicial scrutiny on grounds of illegality, irrationality, and procedural impropriety, as reinforced by *Council of Civil Service Unions v. Minister for the Civil Service* (1985)<sup>272</sup>.

Additionally, the Human Rights Act 1998, which incorporates the European Convention on Human Rights (ECHR), adds another layer of protection. Public servants can challenge disciplinary decisions on the grounds of violations of rights such as the right to a fair hearing (Article 6 of the ECHR)<sup>273</sup>. UK courts, however, maintain a deferential stance toward administrative autonomy, particularly when disciplinary discretion is grounded in statutory authority or national security concerns.

### United States

In the United States, disciplinary proceedings against federal workers are regulated by the Civil

<sup>268</sup> Ibid

<sup>269</sup> R.B. Das, *Administrative Law: Theory and Practice*, Eastern Book Company, 2020, p. 312.

<sup>270</sup> J.N. Pandey, *Constitutional Law of India*, Central Law Agency, 2023, p. 526.

<sup>271</sup> [1948] 1 KB 223 (CA)

<sup>272</sup> [1985] AC 374 (HL)

<sup>273</sup> Human Rights Act 1998, c. 42, incorporating the European Convention on Human Rights.

Service Reform Act of 1978. Employees facing removal or disciplinary penalties are entitled to procedural safeguards including notice of charges, representation, a hearing before the Merit Systems Protection Board (MSPB), and judicial review by the U.S. Court of Appeals for the Federal Circuit<sup>274</sup>. The U.S. system places strong emphasis on due process under the Fifth and Fourteenth Amendments, with courts closely examining whether adequate notice and a fair opportunity to respond were provided<sup>275</sup>. Furthermore, American jurisprudence allows for substantive review of agency decisions under the “arbitrary and capricious” standard, as per the Administrative Procedure Act (APA)<sup>276</sup>. This enables courts to assess not just the process, but the reasoning and proportionality of disciplinary decisions.

### The Indian System

The experiences of the UK and the USA offer several instructive insights for India:

- (a) Codification of Review Standards: Like the APA in the U.S., India could benefit from a uniform legislative framework outlining standards for judicial review of administrative disciplinary actions, reducing ambiguity and inconsistency.
- (b) Specialized Tribunals with Judicial Review Access: India's Central Administrative Tribunal (CAT) lacks constitutional status and its decisions are often subject to prolonged litigation in High Courts. A model like the MSPB in the U.S., with clearer appellate procedures and faster resolution, could enhance efficacy<sup>277</sup>.
- (c) Enhanced Procedural Safeguards: The emphasis in the U.S. on full evidentiary hearings and legal representation sets a higher bar for procedural fairness, which can guide reforms in Indian departmental inquiries.

- (d) Human Rights Integration: The UK's incorporation of human rights norms into public employment discipline strengthens individual protections. Incorporating rights-based review (especially Article 21 jurisprudence) more explicitly into Indian service law could bolster fairness.
- (e) Judicial Deference with Accountability: While both UK and U.S. courts recognize administrative autonomy, they also hold agencies accountable through clear and consistent standards something Indian courts could emulate to ensure both fairness and administrative discipline.

### 8. SUGGESTIONS AND RECOMMENDATIONS

Ensuring fairness and accountability in disciplinary proceedings against civil servants requires a multi-pronged approach. While judicial review serves as an essential check on administrative excesses, systemic reforms are necessary to enhance the credibility and efficiency of the entire disciplinary mechanism. The following recommendations are proposed:

1. Strengthening Inquiry Mechanisms
  - (a) The departmental inquiry process is central to fair disciplinary action. However, many inquiries are marred by procedural lapses poor fact-finding, or cosmetic use of natural justice. To address this:
    - (b) Independent Inquiry Panels should be encouraged for serious charges, reducing the risk of bias.
    - (c) Inquiry Officers must be selected from a neutral pool and not from the direct administrative hierarchy of the delinquent officer.
    - (d) The principles of *audi alteram partem* (right to be heard) and reasoned decision-making must be strictly observed.
    - (e) Use of technology in recording proceedings and maintaining digital case files can help ensure transparency and accountability.

<sup>274</sup> Civil Service Reform Act of 1978, Pub. L. No. 95-454, 92 Stat. 1111 (USA).

<sup>275</sup> *Cleveland Board of Education v. Loudermill*, 470 U.S. 532 (1985).

<sup>276</sup> Administrative Procedure Act, 5 U.S.C. §§ 551–559 (1946).

<sup>277</sup> U.S. Merit Systems Protection Board (MSPB), Overview and Functions, [www.mspb.gov](http://www.mspb.gov).

2. Training of Disciplinary Authorities
  - (a) Often, the lack of legal and procedural knowledge among disciplinary authorities results in flawed proceedings. Structured and continuous training should be provided to:
  - (b) Equip inquiry officers and presenting officers with knowledge of service rules, case law, and evidentiary standards.
  - (c) Familiarize authorities with constitutional principles like Articles 14, 16, and 21 that govern fairness and non-arbitrariness in administrative actions.
  - (d) Conduct mock inquiries and workshops through institutions like the Institute of Secretariat Training & Management (ISTM) or State Administrative Training Institutes.
3. Legal Reforms for Consistency
  - (a) There exists a multiplicity of service rules (e.g., CCS (CCA) Rules, 1965; AIS Rules; departmental codes), leading to inconsistent application of procedural safeguards. Hence:
  - (b) A Uniform Disciplinary Code applicable across all civil services, with tailored provisions for specific cadres, should be considered.
  - (c) Statutory guidelines for disciplinary penalties should be issued to avoid disproportionate punishment and judicial intervention.
  - (d) Provision for internal appellate review before moving courts may reduce litigation and encourage resolution within the department.
4. Reducing Delay in Service Litigation
  - (a) One of the most significant issues in judicial review of disciplinary proceedings is the protracted litigation that follows departmental action. To mitigate this:
  - (b) Time-bound adjudication should be implemented both in tribunals and in departmental proceedings.
  - (c) Adequate staffing and digital case management in forums like the Central

Administrative Tribunal (CAT) can improve disposal rates.

- (d) Introduction of pre-litigation mediation in service matters, particularly minor penalties or procedural lapses, can reduce the burden on courts and expedite relief.

## 9. CONCLUSION

The disciplinary framework for civil servants is a cornerstone of administrative accountability and efficiency. However, disciplinary proceedings, when unchecked or conducted without adherence to due process, pose a threat to the constitutional guarantees of fairness, equality, and justice. This research has highlighted that while administrative authorities must be empowered to maintain discipline, their actions must remain within the bounds of legality and natural justice. Judicial review emerges as a vital mechanism for safeguarding fairness in disciplinary proceedings. Through a careful doctrinal and jurisprudential analysis, it is evident that courts in India have played a crucial role in checking arbitrary, biased, or procedurally flawed disciplinary actions. The constitutional provisions particularly Articles 14, 16, 21, and 311 form the bedrock of protections afforded to civil servants, ensuring that disciplinary processes are not only efficient but just. However, judicial review remains limited to questions of legality and procedural propriety, rather than the merits of administrative decisions. The findings also reveal that legal ambiguities, procedural inconsistencies, lack of training among disciplinary authorities, and delays in adjudication continue to hinder the effectiveness of this oversight mechanism. Lessons from comparative studies in jurisdictions like the United Kingdom and the United States are particularly instructive in terms of legal transparency, procedural efficiency, and prompt redress.

Moving forward, there is a pressing need to strengthen internal inquiry mechanisms, invest in the capacity-building of disciplinary authorities, and streamline service litigation

through legal and institutional reforms. Judicial review must not be viewed as an adversarial correction tool but as a constitutional safeguard that upholds the rule of law in public employment. Balancing discipline with fairness is not merely a legal imperative—it is a democratic necessity. By ensuring that disciplinary proceedings respect procedural rights while maintaining administrative accountability, the civil service system can function with both integrity and justice.

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