

[PRINT / DOWNLOAD PDF](#)

### **Importance of procedural imperatives**

If dismissal from [employment](#) is based on a defined procedure, even though generous beyond the requirements that bind such agency, that procedure must be scrupulously observed.

“An executive agency must be rigorously held to the standards by which it professes its action to be judged.

See *Securities & Exchange Comm'n v. Chenery Corp.*, 318 U.S. 80, 87-88. Accordingly, if dismissal from employment is based on a defined procedure, even though generous beyond the requirements that bind such agency, that procedure must be scrupulously observed.

See [service](#) v. *Dulles*, 354 U.S. 363. This judicially evolved rule of administrative law is now firmly established and, if I may add, rightly so. He that takes the procedural sword shall perish with that sword”.

Justice Frankfurter of the U.S. Supreme Court (*Vitarelli v. Seaton, Secretary of the Interior*, ET AL. 359 U.S.535, 1959

The above legal principle has been followed by Hon'ble Supreme Court in various judicial pronouncements and reference in this regard can be made to *Sukhdev Singh v. Bhagatram Sardar Singh Raghuvanshi*, (1975) 1 SCC 421, *Amarjit Singh Ahluwalia (Dr.) v. State of Punjab*, (1975) 3 SCC 503, and *Ramana Dayaram Shetty v. International Airport Authority of India*, (1979) 3 SCC 489.

Tags: [Dismissal - Procedure](#), [Service matter](#), [Service Matter - Dismissal](#)