STATE OF U.P. AND ORS.

v.

RAJ KISHORE YADAV AND ANR.

JUNE 20, 2006

[DR. AR. LAKSHMANAN AND ALTAMAS KABIR, JJ.]

Constitution of India, 1950:

Article 226—Interference by High Court with orders passed by competent authorities in disciplinary proceedings—Employee dismissed from service—High Court setting aside dismissal order and directing his reinstatement—Held, the charges are very serious in nature and the same have been proved beyond any doubt—High Court has limited scope of interference in the administrative action of the State in exercise of extra ordinary jurisdiction under Article 226 and, therefore, the findings recorded by the Inquiry Officer and the consequent order of punishment of dismissal from service should not be disturbed—On merits, High Court erred in modifying the punishment imposed by the disciplinary authority—Judgment of High Court being perverse is set aside—Service Law—Dismissal from service.

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 1442 of 2005.

From the Judgment and Order dated 21.11.2003 of the High Court of Judicature at Allahabad in Civil Misc. Writ Petition No. 1505 of 1996.

Pramod Swarup, B.N. Jha and Jatinder Kumar Bhatia for the Appellant.

Jitendra Mohan Sharma for the Respondents.

The Order of the Court was delivered by

ORDER

Heard the learned counsel appearing on behalf of the appellants and the respondents.

This appeal is directed against the judgment passed by the High Court of Allahabad in Civil Misc. Writ Petition No.1505/1996 allowing the Writ Petition filed by the respondent herein. The High Court by the impugned order modified the punishment by way of stoppage of two increments with cumulative effect and quashed the order of dismissal from service awarded to the respondent herein. The High Court also ordered reinstatement with all pecuniary and consequential service benefits.

We have been taken through the charges framed against the respondent herein and also the Enquiry Report submitted by the Enquiry Officer and the order passed by the Disciplinary Authority and also the order passed in the Claim Petition. Five charges were framed against the respondent herein. The charges are very serious in nature. The charges No.1,2,3 and 5 have been proved beyond any doubt. Charge No.4 has not been proved.

On a consideration of the entire materials placed before the authorities, they came to the conclusion that the order of dismissal would meet the ends of justice. When a Writ Petition was filed challenging the correctness of the order of dismissal, the High Court interfered with the order of dismissal on the ground that the acts complained of were sheer mistakes or errors on the part of the respondent herein and for that no punishment could be attributed to the respondent. In our opinion, the order passed by the High Court quashing the order of dismissal is nothing but the error of judgment. In our opinion, the High Court was not justified in allowing the Writ Petition and quashing the order of dismissal and granting continuity of service with all pecuniary and consequential service benefits. It is a settled law that the High Court has limited scope of interference in the administrative action of the State in exercise of extra ordinary jurisdiction under Article 226 of the Constitution of India and, therefore, the findings recorded by the Enquiry Officer and the consequent order of punishment of dismissal from service should not be disturbed. As already noticed, the charges are very serious in nature and the same have been proved beyond any doubt. We have also carefully gone through the Enquiry Report and the order of the Disciplinary Authority and of the Tribunal and we are unable to agree with the reasons given by the High Court in modifying the punishment imposed by the Disciplinary Authority. In short, the judgment of the High Court is nothing but perverse. We, therefore, have no other option except to set aside the order passed by the High Court and restore the order passed by the Disciplinary Authority ordering dismissal of the respondent herein from service. It is ordered accordingly. The Civil Appeal stands allowed.

No costs.

R.P. Appeal allowed.