

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

WPA/197/2025

Shri K. Eswar Rao

Vs.

The Director General of Police

Mr. Saket Kumar

(through virtual mode)

Mr. R. N Prasad

... for the petitioner

Mr. Rakesh Kumar

Mr. Dibesh Dwivedi

... for the respondent

07.07.2025

[Manoj]

Item No.7

The petitioner, while serving as an Inspector of Police under the Administration, was subjected to disciplinary proceedings on the charge of submitting a fake birth certificate at the time of entry into service.

On September 4, 2006, the petitioner was dismissed from service by the Disciplinary Authority. The appeal preferred against the dismissal order before the statutory Appellate Authority was also rejected. The order of the Appellate Authority was challenged before the Central Administrative Tribunal, Circuit Bench at Port Blair, but the challenge was unsuccessful. Thereafter, a writ petition was filed before this Court challenging the order of the Tribunal, which was also dismissed on November 21, 2008. Subsequently, a review application was filed, which too was dismissed on March 17, 2009.

The order dated November 21, 2008 and March 17, 2009, were then challenged before the Hon'ble Supreme Court by filing Special Leave Petition Nos. 8277-8229 of 2011. The Supreme Court, by an order dated April 19, 2023, dismissed

the Special Leave Petitions and upheld the dismissal from service.

It further appears that a criminal case was initiated against the petitioner under Sections 468/471/109 of the Indian Penal Code before the Chief Judicial Magistrate, Port Blair. The petitioner was acquitted by the Magistrate on January 7, 2020. The State preferred an appeal—Criminal Appeal No. 10 of 2018—against the acquittal, which was also dismissed by the learned Sessions Judge, Andaman and Nicobar Islands, by a judgment and order dated January 25, 2022.

Learned counsel for the petitioner argues that, consequent upon the acquittal in the criminal case, the petitioner is entitled to all consequential service benefits.

I find no merit in this submission. The order of dismissal has already been upheld by the Hon'ble Supreme Court.

It is well settled that disciplinary proceedings and criminal proceedings are separate and distinct. Acquittal in a criminal case does not automatically invalidate disciplinary action. The standard of proof in a disciplinary proceeding is different from that in a criminal trial. Since the petitioner's dismissal from service has been affirmed by the Hon'ble Supreme Court, he is not entitled to claim any consequential benefits on the ground of acquittal in the criminal case.

Accordingly, **WPA/197/2025** is dismissed.

(**Kausik Chanda, J.**)