

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6641 OF 2016
(Arising out of SLP(C) No. 11448 of 2015)

STATE OF UTTAR PRADESH & ORS. .. APPELLANT(S)

VERSUS

RAMAKANT YADAV .. RESPONDENT(S)

O R D E R

1. Leave granted.
2. The respondent was dismissed from service after invoking Rule 8(2)(b) of the Uttar Pradesh Police Officers of the Subordinate Ranks (Punishment and Appeal) Rules, 1991 (for Short, 'the Rules'). Rule 8(2)(b) empowers the authority to dismiss or remove from service a police officer, *inter alia*, without holding an inquiry vide proviso to Rule (2) of the Rules. In the present case, the respondent is a police constable against whom a criminal case No. 2955 of 2006 has been registered under Section 302

IPC along with other sections. Gold and cash along with country made pistol were also recovered from his possession. The disciplinary authority, therefore, decided to dismiss him without holding an inquiry. While doing so, however, no reasons were given for not holding the inquiry. It has been observed by this Court on several occasions that an inquiry can not be lightly dispensed with that too, without passing an order which discloses the reasons why it was not practical to hold an inquiry.

3. Since the denial of an inquiry cannot be lightly made, the respondent approached the U.P. State Public Services Tribunal, Lucknow (for short, "the State Tribunal") which reinstated him in service with all benefits. The State challenged the said order dated 28.01.2014 before the High Court. The High Court has dismissed the petition of the State.

4. Having considered the matter, we are of the view that even though the High Court may be right in observing that the inquiry was not dispensed with in accordance with law, that is to say proper reasons were not given for not holding the inquiry; the High Court was wrong in confirming the order of the State Tribunal directing reinstatement of the respondent. In the circumstances of the case, the charge against the respondent, who is a police constable, did not warrant reinstatement in service.

5. We notice that the High Court allowed the appellants to conduct a fresh inquiry in accordance with law. We, however, consider it appropriate to put the clock back to an earlier stage where the appellants took a decision to dispense with the inquiry.

6. In the circumstances, we set aside the

order of reinstatement passed by the State Tribunal as confirmed by the High Court. We further direct the disciplinary authority to proceed with the matter from the stage at which order dated 06.01.2007 was passed.

7. The appeal is accordingly disposed of.

.....J.
[S.A. BOBDE]

.....J.
[ASHOK BHUSHAN]

NEW DELHI,
JULY 22, 2016.

ITEM NO.52

COURT NO.12

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No. 11448/2015

(Arising out of impugned final judgment and order dated
12/12/2014 in WP No. 1757/2014 passed by the High Court Of
Judicature at Allahabad, Lucknow Bench)

STATE OF UTTAR PRADESH AND ORS.

Petitioner(s)

VERSUS

RAMAKANT YADAV

Respondent(s)

(With interim relief and office report)

Date :22/07/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s) Mr. Ravi Prakash Mehrotra, Adv.
Mr. Vibhu Tiwari, Adv.

For Respondent(s) Mr. Anilendra Pandey, Adv.
Mr. Nitin Kumar Thakur, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of.

[Charanjeet Kaur]
A.R.-cum-P.S.

[Indu Pokhriyal]
Court Master

[Signed order is placed on the file]