

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 2244 OF 2005

M.R. SIDDIQUI .. APPELLANT(s)

Versus

STATE OF U.P. AND OTHERS .. RESPONDENT(s)

with

CIVIL APPEAL NO. 2245 OF 2005

ALLAHABAD HIGH COURT THR. ITS REGISTRAR .. APPELLANT(s)
GENERAL

Versus

M.R. SIDDIQUI AND ORS. .. RESPONDENT(s)

O R D E R

The appellant - M.R. Siddiqui (hereinafter to be referred as "delinquent") while working as Additional District Judge in the State of Uttar Pradesh was served with the charge-sheet containing two charges which read as under:

(i) That you on 23.10.1992, while working as Vth Additional District Judge, Kanpur Nagar decided O.S. No. 537 of 1984 Jai Narayan Parasrampuriah and others vs. Smt. Pushpa Devi Sarraf and others and decreed the suit for specific performance of the agreement against the material on

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record on extraneous consideration and you thereby committed serious illegality in decreeing the suit and thus failed to maintain absolute integrity and devotion to duty and committed misconduct within the meaning of Rule 3 of the U.P. Government Servants Conduct Rules, 1956.

ii) That you on 23.10.1992, while working as Vth Additional District Judge, Kanpur Nagar in deciding O.S. No. 537 of 1984 Jai Narayan Parasrampuriah and others vs. Smt.

Pushpa Devi Sarraf and others committed a serious illegality in directing premature delivery of possession in favour of plaintiffs Jai Narayan Parasrampurua and others on the basis of decree passed by you in the aforesaid suit on extraneous considerations and thereby failed to maintain absolute integrity and complete devotion to duty and thus committed misconduct within the meaning of Rule 3 of the U.P. Government Servants Conduct Rules, 1956.

2. The Inquiry Officer was appointed to conduct an inquiry into the above charges. On conclusion of the inquiry, the Inquiry Officer concluded that first charge is not proved while the second charge is proved. The Disciplinary Authority accepted the findings of the Inquiry Officer. Since charge No. 2 was held to be

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proved, the Disciplinary Authority recommended to the Government to revert the delinquent to the rank next below the Higher Judicial Service of the State of Uttar Pradesh. The Government, accordingly, issued the Notification on 20.2.2002 reverting the delinquent.

3. The delinquent challenged the Government Notification dated 20.2.2002 before the Allahabad High Court. The Division Bench of the High Court allowed the writ petition filed by the delinquent and quashed the Notification dated 20.2.2002. However, the High Court directed that the delinquent shall not be entitled to the emoluments of the post of Additional District Judge for the period during which he remained reverted. It is from this order that these appeals have arisen, one at the instance of the Allahabad High Court through

and the other by the delinquent.

4. On a careful consideration of the entire matter, it appears to us that the first charge and second charge are intertwined and interconnected. Since the High Court on administrative side accepted the findings of the Inquiry Officer on the first charge that it was not proved, we are unable to see how second charge could have been held to be proved when there is no distinct and separate, direct or indirect or circumstantial evidence proving the second charge.

5. In this view of the matter, the view taken by the Division Bench of the Allahabad High Court that the second charge is not proved, does not call for any interference.

6. Having regard to the totality of the facts and circumstances of the case, it cannot be said that the High Court committed any error

in denying to the delinquent the emoluments of the post of Additional District Judge for the period during which he remained reverted.

7. In view of the above, both appeals are liable to be dismissed and are dismissed with no order as to costs.

.....J.
(R.M. LODHA)

.....J.
(SHIVA KIRTI SINGH)

NEW DELHI;
APRIL 3, 2014.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 2244 OF 2005

M.R. SIDDIQUI

Appellant (s)

VERSUS

STATE OF U.P. & ANR.

Respondent(s)

(With office report)

WITH Civil Appeal NO. 2245 of 2005

(With office report)

Date: 3/04/2014 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Appellant(s)

CA 2244 Mr. Manoj Swarup, Adv.
 Ms. Lalita Kohli, Adv.
 Mr. Abhishek Swarup, Adv. for
 M/S Manoj Swarup & Co.

CA 2245 Mr. Ravi Prakash Mehrotra, Adv.
 Mr. Vibhu Tiwari, Adv.
 Mr. Abhinav Kumar Malik, Adv.

For Respondent(s)

Mr. Irshad Ahmad, Adv.
Mr. Abhish Kumar, Adv.
Ms. Archana Singh, Adv.
Mr. M.R. Shamshad, Adv.

CA 2245 Mr. Manoj Swarup, Adv.
 Ms. Lalita Kohli, Adv.
 Mr. Abhishek Swarup, Adv. for
 M/S Manoj Swarup & Co.

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

Civil Appeals are dismissed in terms of signed
order. No costs.

(Pardeep Kumar)
Court Master

(Renu Diwan)
Court Master

[SIGNED ORDER IS PLACED ON THE FILE]