

ITEM NO.2

COURT NO.9

SECTION XV

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(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S). 16075/2013
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 12/02/2013
IN DBCSA NO. 432/2003 IN SBCWP NO. 400/1986 PASSED BY THE HIGH
COURT OF RAJASTHAN AT JAIPUR)

PRABHU DAYAL

PETITIONER(S)

VERSUS

STATE OF RAJASTHAN & ORS.

RESPONDENT(S)

(WITH INTERIM RELIEF AND OFFICE REPORT)

WITH I.A. NO.3 (APPLN. FOR SEEKING PERMISSION TO FILE ADDITIOAL
DOCUMENTS)

Date : 20/02/2015 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE ARUN MISHRA

For Petitioner(s)

Mr. Bhagwati Prasad, Sr. Adv.
Mr. Pushpinder Singh, Adv.
Mr. Kumar Kartikay, Adv.
Mr. Merusagar Samantaray, Adv.

For Respondent(s)

Ms. Ruchi Kohli, Adv.
Mr. Nirmal Goenka, Adv.
Ms. Nidhi Jaswal, Adv.

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

Leave granted.

The appeal is allowed is allowed in terms of the
signed order.

[VINOD LAKHINA]
COURT MASTER

[ASHA SONI]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.2126 OF 2015
[Arising out of Special Leave Petition (Civil)
No.16075 of 2013]

PRABHU DAYAL . . . APPELLANT

VERSUS

STATE OF RAJASTHAN & ORS. . . RESPONDENTS

ORDER

Leave granted.

Notice in this case was issued only on the question of quantum of punishment.

Heard learned counsels for the parties.

We have taken note of the fact that the Investigating Officer in First Information No.213 of 1994 filed against the appellant had rendered a closure report which has been accepted by the Court and the matter has not been pursued thereafter by the State in any departmental inquiry. In these circumstances,

taking into account the charges levelled against the appellant which have been held to be proved i.e. absence from duty without leave, we are of the view that a lesser penalty would meet the ends of justice. We, accordingly, allow this appeal and set aside the order of the High Court insofar as the penalty of dismissal from service is concerned. We leave it open for the respondent State to impose such other lesser penalty as may be deemed fit in the facts and circumstances of the case. The State will pass necessary orders in terms of the present directions within a period of four weeks from the date of receipt of a copy of this Order.

.....,J.
(RANJAN GOGOI)

.....,J.
(ARUN MISHRA)

NEW DELHI
FEBRUARY 20, 2015