

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO.9633 OF 2016  
(ARISING OUT OF SLP(C) NO.23060 OF 2013)

GOVT.OF A.P.& ORS.

.....APPELLANTS

VERSUS

MOHD. SARDAR

.....RESPONDENT

O R D E R

Leave granted.

This appeal has been preferred by the appellants against the impugned order dated 7.3.2011 passed by the High Court of Andhra Pradesh in Writ Petition No.5429/2011, whereby the High Court directed the appellants to consider the case of the respondent and award any other punishment which appears to be just and reasonable to the proved misconduct other than the punishment of dismissal from service.

In the circumstances of the case, on 8.7.2013 while issuing notice to the respondent, this Court granted time to the appellants to take instructions as to whether the order of dismissal can be converted into one of compulsory retirement.

A letter dated 5.8.2016 issued by the Joint Commissioner of Police, Co-ordination & Security, HAC of

Commandant, Hyderabad, has been placed before us wherein it is stated in paragraph (3) as follows :

"Accordingly, the DGP, Telangana, Hyderabad has informed that "it is agreed for modification the punishment of "Dismissal from service" imposed on Sri Moh. Sardar, EX.PC 515 to that of "Compulsory retirement" and also requested to appraise the same to the Special Officer i/c Advocates-on-Record in the Supreme Court of India, New Delhi vide memorandum Rc.No.612/T3/2012, dated 28.12.2015 of DGP., Telangana, Hyderabad. Vide Memorandum Rc.612/T3/2014, dated 28.12.2014."

Having heard learned counsel appearing for the parties and perused the record, we modify the aforesaid impugned order of the High Court and direct that the respondent shall be compulsorily retired from service with all consequential retiral benefits as per rules, instead of dismissal from service.

Accordingly, the appeal stands disposed of.

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

.....J  
[ASHOK BHUSHAN]

NEW DELHI;  
SEPTEMBER 23, 2016.

ITEM NO.44

COURT NO.12

SECTION XIIA

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). 23060/2013

(Arising out of impugned final judgment and order dated 07/03/2011  
in WP No. 5429/2011 passed by the High Court Of A.P. At Hyderabad)

GOVT.OF A.P.&amp; ORS.

Petitioner(s)

VERSUS

MOHD. SARDAR

Respondent(s)

(With interim relief and office report)

Date : 23/09/2016 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. Mritunjai Singh, Adv.  
For Mr. S. Uday K. Sagar, Adv.

Mr. Guntur Prabhakar, Adv. (Not Present)

For Respondent(s) Mr. G.V.R. Choudary, Adv.  
Mr. K. Shivraj Choudhuri, Adv.  
Mr. A. Chandra Sekhar, Adv.UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal stands disposed of in terms of the signed order.

(Sanjay Kumar-II)  
Court Master(Indu Pokhriyal)  
Court Master

(Signed Order is placed on the file)