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SLP(C)No. 19120 OF 2000
ITEM No.29

Court No. 3

SECTION XV
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.19120/2000
(From the judgement and order dated 02/08/2000 in DBCSA 1108/99
of The HIGH COURT OF RAJASTHAN AT JODHPUR)

LAXMI NARAIN

Petitioner (s)

VERSUS

STATE OF RAJASTHAN & ORS.

Respondent (s)

Date : 17/08/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s) Mr. Ravindra Bana,Adv.

For Respondent (s) Mr. Ranji Thomas, Adv.
Mr. Javed Mahmud Rao,Adv.

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

.....L.....I.....J.R

Special leave granted.

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

(D.P. WALIA)
Court Master

(S.L. GOYAL)
Court Master

(Signed Order is placed on the file)

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.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J.R
.PL60

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5504 / 2001@@
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[arising out of S.L.P.(C) No. 19120 of 2000]

Laxmi Narain

..Appellant(s)

vs.

State of Rajasthan & Ors.

..Respondent(s)

O R D E R@@
CCCCCCCCC

.SP2

Special leave granted.

In the instant case, on the allegation of misconduct inquiry was held against the appellant. Punishment which was awarded was that of dismissal. On a writ petition being filed, punishment was modified to that of removal from service.

The allegation against the appellant on the basis of which disciplinary action was taken was as follows :

.....L.....I.....T.....T.....T.....T.....J....T.R
.SP1

"On 29.8.89 you were posted in Police Line, Churu. In the morning at about 8.00 A.M. you entered in Police Line, Churu in the quarter of Shri Savai Singh, Constable No. 530 with mala-fide intention. In the quarter, Smt. Ummed Kanwar wife of Shri Devi Singh was present and you stepped towards her with bad intention. Upon this, she stepped out of the quarter and entered in the quarter of Shri Lal Chand, Constable No. 604 and she told about this incident to the wife of Shri Lal Chand. Later on, Shri Lal Chand told about this incident to Shri Devi Singh."

.....L.....I.....T.....T.....T.....T.....T.....T.....J.R
.SP2

From a perusal of the said allegation, it is difficult to come to the conclusion that even if this allegation is ...2/-

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:2:

proved, it will amount to such misconduct as to warrant removal from service. Merely stepping into the quarter of another person cannot possibly lead one to the conclusion that there was any malafide intention especially when nothing transpired between the appellant and the complainant's wife. In fact as per the allegation the moment the appellant entered the house, the complainant's wife left the said quarter.

Keeping in view all the circumstances, in our opinion, ends of justice will be met if punishment awarded is reduced to that of censure. The appellant will be entitled to reinstatement but without any back wages.

The appeal is disposed of in the aforesaid terms.

.SP1

.....J.
(B.N. KIRPAL)

.....J.
(N. SANTOSH HEGDE)

.....J.
(K.G. BALAKRISHNAN)

New Delhi;
August 17, 2001.