

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 SCivil Appeal No. 8173-8175/2009

DHARAM PAL

Appellant(s)

VERSUS

UNION OF INDIA

Respondent(s)

(With application for permission to place additional documents on record and office report)

Date : 04/02/2016 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

HON'BLE MR. JUSTICE C. NAGAPPAN

For Appellant(s) Mr. Raju Ramachandran, Sr. Adv.
Mr. Deepank Yadav, Adv.
Ms. Madhu Sikri, A.O.R.For Respondent(s) Mr. Ashok Kumar Srivastava, Adv.
Ms. Kiran Bhardwaj, Adv.
Ms. Sushma Suri, A.O.R.UPON hearing counsel the Court made the following
O R D E RThe appeals are dismissed in terms of the
signed order.[KALYANI GUPTA]
COURT MASTER[SHARDA KAPOOR]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE.]

against the above punishment only on 4th October, 2006 and 31st October, 2006 which were numbered as O.A. Nos. 2354 of 2006 and 2277 of 2006 respectively.

3. Before the Tribunal, the appellant raised two contentions namely, that there was inordinate delay in the initiation of the disciplinary action as well as imposition of punishment. It was also submitted that in the case of another officer by name Mr. R.S. Sagar who was also issued with the penalty of censure, he was dealt with leniently which was upheld by the Tribunal and was also upheld by the High Court based on which the appellant also approached the respondent for similar direction which was denied to him. The Tribunal dealt with both these submissions and has found that insofar as R.S. Sagar was concerned, there was no other punishment other than the censure while the appellant was imposed with the punishment of censure as well as withholding of one increment for a period of one year without cumulative effect. The Tribunal, therefore, held that there was no scope to compare the appellant with that of Mr. R.S. Sagar.

4. As far as the question of delay raised by the appellant is concerned, the Tribunal has found that application having been filed in the year 2006 i.e.

after a time gap of ten years, it will not be appropriate for the Tribunal to examine the said contention on merits. When the appellant challenged the orders of the Tribunal, the Division Bench also on the same grounds declined to interfere with the orders of the Tribunal.

5. Having heard Mr. Raju Ramachandran, learned senior counsel for the appellant at length, we also do not find any scope to take a different view other than what has been taken by the Tribunal as confirmed by the Division Bench.

6. The appeals fail and are, therefore, dismissed.

.....J
[FAKKIR MOHAMED IBRAHIM KALIFULLA]

.....J
[C. NAGAPPAN]

NEW DELHI
FEBRUARY 04, 2016.