

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

Civil 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 R

The appeals are dismissed in terms of the signed order.

[KALYANI GUPTA]
COURT MASTER

[SHARDA KAPOOR]
COURT MASTER

Signature Not Verified

[SIGNED ORDER IS PLACED ON THE FILE.]

Digitally signed by Sanjay Kumar
Date: 2016.02.13 12:43:33 IST
Reason:

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 8173-8175 OF 2009

DHARAM PAL

.....

APPELLANT

VERSUS

UNION OF INDIA

.....

RESPONDENT

O R D E R

Heard Mr. Raju Ramachandran, learned senior counsel for the appellant and Mr. Ashok Kumar Srivastava, learned counsel for the respondent-Union of India.

2. The appellant who was working as Executive Engineer with the respondent was proceeded against by way of disciplinary action for misconduct by issuance of Charge Sheet in the year 1985. There was a second Charge Sheet issued in the year 1993. For the Charge Sheet in the year 1985, the appellant was imposed with the punishment of withholding of one increment for one year without cumulative effect. For the Charge Sheet issued in the year 1996, he was simply censured. The appellant moved the Tribunal by way of an Original Application as

PAGE NO. 1 OF 2
C.A. NOS. 8173-8175 OF 2009

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.

PAGE NO.2 OF 3
C.A. NOS. 8173-8175 OF 2009

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.