

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____/2025
[ARISING OUT OF SPECIAL LEAVE PETITION (CIVIL) NO.29642/2010]

CHANDER MENGHANI

APPELLANT(S)

VERSUS

PRINCIPAL JAI HIND COLLEGE & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. Heard learned counsel appearing for the parties.
3. The appellant was appointed as a Junior Clerk w.e.f. 4th June, 1990 with the first respondent-college (Jai Hind College, Churchgate, Mumbai). Almost after 16 years of service, the appellant was placed under suspension on 8th May, 2006. Ultimately, a disciplinary inquiry was held and an order was passed of dismissal of the appellant from service on 5th June, 2007. The appeal preferred by the appellant before the University Tribunal was dismissed. A writ petition filed by the appellant before the learned Single Judge was dismissed. These orders were confirmed by the impugned order of the Division Bench of the Bombay High Court.

4. On 10th September, 2010, a notice was issued by this Court only limited to quantum of punishment. On the last date, we had heard the parties. We have also perused the report of the disciplinary inquiry and order of the Disciplinary Authority. We found that the penalty imposed was disproportionate to the misconduct proved against the appellant. However, considering the nature of misconduct, and considering the fact that the proceedings were commenced against the appellant after nearly 16 years of unblemished service, we propose to exercise our jurisdiction under Article 142 of the Constitution of India for doing substantial justice which will serve cause of all the parties.

5. Therefore, we pass the following order:

- (a) The order of penalty of dismissal is set aside;
- (b) The appellant shall be notionally reinstated in service from the date of suspension without any monetary benefits except the benefit of continuity in service for the purposes of retiral benefits and for notional fixation of pay;
- (c) With effect from 5th June, 2010, voluntary retirement shall be granted to the appellant in terms of Rule 66 of the Maharashtra Civil Services (Pension) Rules, 1982;
- (d) We make it clear that all the retiral benefits shall

be extended to the appellant on the footing that he has completed 20 years of qualifying service on 4th June, 2010; and

(e). We direct the respondents to make payment of all retiral benefits to the appellant within a maximum period of three months from today.

6. The appeal is accordingly partly allowed.

7. Pending application(s), if any, shall stand disposed of.

.....J.
(ABHAY S.OKA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
FEBRUARY 25, 2025.

ITEM NO.45
IX

COURT NO.4

SECTION

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

Petition for Special Leave to Appeal (C) No.29642/2010

[Arising out of impugned final judgment and order dated 09-06-2009 in A No. 26/2009 09-06-2009 in WP No. 2221/2008 passed by the High Court of Judicature at Bombay]

CHANDER MENGHANI

Petitioner(s)

VERSUS

PRINCIPAL JAI HIND COLLEGE & ORS.

Respondent(s)

[TO BE TAKEN UP AT 2.00 P.M.]

Date : 25-02-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) : Mr. Uday Gupta, Sr. Adv.
Mr. Hiren Dasan, AOR
Ms. Shivani M. Lal, Adv.
Mr. Mahendra Mali, Adv.
Mr. Deepanshu Rana, Adv.

For Respondent(s) : Mr. Sudarshan Rajan, AOR (For R1 & R2)
Mr. Mahesh Kumar, Adv.
Ms. Srishti Sharma, Adv.
Ms. Seema Dhingra, Adv.

Mr. Rahul Chitnis, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

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

Leave granted.

The appeal is partly allowed in terms of the signed order which is placed on the file.

Pending application(s), if any, shall stand disposed of.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)