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SLP(C)No. 1541 OF 2004
ITEM No.204

Court No.12

SECTION IX
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.1541/2004

(From the judgement and final order dated 16/07/2003 in WP 290/88
of The HIGH COURT OF BOMBAY)

P.N. SINGH

Petitioner (s)

VERSUS

UNION OF INDIA & ANR.

Respondent (s)

(For Final Disposal)

Date : 17/12/2004 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE B.P. SINGH
HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner (s)Mr.Nitin S.Tambwekar, Adv.
Mr.B.S.Sai, Adv.
Mr. C. Ravichandran Iyer,Adv.

For Respondent (s)Mr.t.S.Doabia, Sr.Adv.
Mrs. Vimla Sinha, Adv.
Mr. Shreekant N. Terdal,Adv.

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

Leave granted.

The appeal is allowed to the extent as indicated in the signed order.

(SUKHBIR PAUL KAUR)
COURT MASTER

(ASHA JOSHI)
COURT MASTER
(Signed Order is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8323 OF 2004
(Arising out of SLP(C) NO.1541/2004)

P.N.SINGH....APPELLANT(S)

VERSUS

UNION OF INDIA & ANR.....RESPONDENT(S)

O R D E R

Leave granted.

We have heard counsel for the parties.

It appears that the petitioner was placed under suspension pending his criminal trial in which allegations were made against him for illegal possession of rice. During the pendency of the proceeding the petitioner was required to record his attendance twice i.e. at 10.00 A.M. and 4.00 P.M.. It

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appears that he defaulted in attending on several days both at 10.00 A.M. and 4.00 P.M. A departmental proceeding was initiated against him for such default, and as a result of the finding against him he has been removed from service.

The question before us is whether the punishment imposed is grossly disproportionate to the misconduct proved. We are of the view that the punishment is grossly disproportionate, and the respondent should be directed to consider afresh the punishment to be imposed having regard to the gravity of the misconduct. We are told that the petitioner would have superannuated in the year 2001 if he had continued in service. Since he was found guilty, and some punishment has to be imposed, it will be open to the respondent to pass appropriate directions regarding payment of arrears of wages having regard to the facts of the case, including the fact whether the

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petitioner was employed during the period in question. We expect the authorities to pass a fresh order within four months.
This appeal is allowed to the extent as indicated above.

.....J.
(B.P.SINGH)

.....J.
(ARUN KUMAR)

NEW DELHI;
DECEMBER 17, 2004