

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3916 OF 2019  
(ARISING OUT OF SLP(CIVIL) NO.26151 OF 2016)

KARAMBIR SINGH .. Appellant(s)

Versus

UNION OF INDIA MINISTRY OF HOME AFFAIRS .. Respondent(s)  
SECRETARY TO THE GOVERNMENT OF INDIA & ORS.

O R D E R

Leave granted.

The appellant was appointed as a Constable in CRPF on 14<sup>th</sup> April, 1991. On the allegation that he abandoned his post while on duty and that he assaulted a superior officer, an enquiry was initiated against him. He was found guilty of the charges levelled against him and removed from service on 30<sup>th</sup> March, 1996. The appeal and revision filed by him were also rejected. The writ petition filed by the appellant challenging the order of dismissal and the orders passed in the appeal and revision was partly allowed. The High Court directed a fresh enquiry to be conducted into the charges levelled against the appellant. The High Court found that the order of dismissal was not justified as the enquiry that was conducted was for minor punishment and ultimately a major penalty was imposed.

According to the High Court, there was violation of principles of natural justice as the appellant was not permitted to cross examine the witnesses. The appellant is before us assailing the order passed by the High Court directing fresh enquiry.

Mr. Yatish Mohan, learned counsel appearing on behalf of the appellant submits that the High Court ought not to have directed a fresh enquiry to be conducted at this stage. He further submits that there should have been a direction for reinstatement of the appellant and the order of dismissal ought to have been set aside.

A notice was issued on 2<sup>nd</sup> September, 2016 to explore the possibility of a settlement. Mr. Abhay Kumar, learned counsel for Union of India submits that the allegations made against the appellant are serious and he cannot be reinstated with full back wages. He further submits that a representation was made by the appellant seeking reinstatement with full back wages and continuity of service. The allegations pertain to the year 1995 and any departmental enquiry to be conducted now will not serve any purpose as it will be difficult to trace the evidence against the appellant.

The implementation of the directions issued by the High Court to conduct an enquiry would yield no fruitful result as it will be highly impossible to trace the evidence against the respondent 27 years after the date of the incident. In view thereof, we direct reinstatement of the Appellant with

continuity of service. However, he shall not be entitled for back wages. This order shall not be treated as precedent.

The appeal is disposed of accordingly.

.....J.  
( L. NAGESWARA RAO )

.....J.  
( M.R. SHAH )

New Delhi,  
Dated: APRIL 12, 2019

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

Petition(s) for Special Leave to Appeal (C) No(s).26151/2016

(Arising out of impugned final judgment and order dated 02-02-2015 in WPC No. 245/2006 passed by the High Court Of Tripura At Agarthala)

KARAMBIR SINGH

Petitioner(s)

VERSUS

UNION OF INDIA MINISTRY OF HOME AFFAIRS  
SECRETARY TO THE GOVERNMENT OF INDIA & ORS.

Respondent(s)

Date : 12-04-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO  
HON'BLE MR. JUSTICE M.R. SHAHFor Petitioner(s) Mr. Yatish Mohan, Adv.  
Ms. Vinita Y. Mohan, Adv.  
Mr. Kedar Nath Tripathy, AORFor Respondent(s) Mr. Abhay Kumar, Adv.  
Mr. Rajesh Ranjan, Adv.  
Mr. Sumit Teterwal, Adv.  
Ms. Nikita Capoor, Adv.  
Ms. Ankita Sharma, Adv.  
Ms. Kashvi Dutta, Adv.  
Mr. B. Krishna Prasad, AOR  
Mr. B. V. Balaram Das, AORUPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is disposed of in terms of the Signed Order.

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

(GEETA AHUJA)  
COURT MASTER (SH)(KAILASH CHANDER)  
ASSISTANT REGISTRAR

(The Signed Order is placed on the file)