

! IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7084 OF 2010

UNION OF INDIA AND ORS.

APPELLANTS

VERSUS

M.S. SOKHI

RESPONDENT

O R D E R

Heard Mr. P.P. Malhotra, learned ASG for the appellants, and Mr. Atul Batra, advocate for the respondent.

Mr. Malhotra is right in his submission that the reasons assigned by the High Court for interfering with the order of dismissal passed against the respondent and directing that he would be entitled to all consequential benefits are quite untenable in law. But there are certain other facts and circumstances for which we are not inclined to completely set aside the order; we would rather modify the reliefs allowed to the respondent by the High Court.

The respondent worked as Superintendent in the Customs and Central Excise Collectorate. He was given a charge-sheet alleging that during the period 1968 to 1987 (20 years) he acquired and was found in possession of property which was in excess of his known sources of income by Rs.93,000/-. On the same charge a criminal investigation was also held by the CBI in which it was found that the extent of disproportionate assets held by the respondent was only Rs.41,000/-. Observing that it was an inconsequential amount, the CBI submitted closure report. Nonetheless, in the disciplinary proceedings, the respondent was dismissed from service in the year 1994. Had he continued in service or had

he been reinstated in service in terms of the High Court order, he would have superannuated in June,1995.

Mr. Batra submitted that respondent is now over 75 years old and even though there is no stay order passed in this appeal, he was not even getting his pension and other retiral dues etc. He also submitted that the respondent is willing to forego his arrears of salary in terms of the High Court order and he would not claim any interest on the arrears of his pension.

In view of the stand taken by the respondent, we set aside the High Court order only insofar as it directs that the respondent would be entitled to all consequential benefits, which in practical terms means that he would get the salary from the date of dismissal to the date of his superannuation. It is made clear that the respondent would be entitled to retiral dues including pension, which would be paid to him within four months from today but with no interest on the arrears.

The appeal is disposed of but with no order as to costs.

.....J
(AFTAB ALAM)

.....J
(R.M. LODHA)

NEW DELHI,
JULY 28, 2011.
ITEM NO.102

COURT NO.11

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 7084 OF 2010

UNION OF INDIA AND ORS.

Appellant (s)

VERSUS

M.S. SOKHI

Respondent(s)

Date: 28/07/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE R.M. LODHA

For Appellant(s) Mr. P.P. Malhotra, ASG
 Ms. Kiran Bhardwaj, Adv.
 For Mr. B. Krishna Prasad, Adv.

For Respondent(s) Mr. Atul Batra, Adv.
 For Ms. Suruchii Aggarwal, Adv.

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

The appeal is disposed of in terms of the signed
order.

(Neetu Khajuria)
Sr.P.A.

(S.S.R. Krishna)
Court Master

(Signed order is placed on the file.)