

Topic: Removal Of Government Officer From Government Services

Name of the Case: State of Madhya Pradesh v. Shardul Singh, (1970) 1 SCC 108

Bench: Justice J. Shah and Justice K. Hegde

Fact of the Case: A departmental enquiry was initiated against a sub-Inspector of police by the Superintendent of Police. After holding an enquiry, he sent his report to the Inspector General of Police who ultimately dismissed the sub-inspectors from service. The order of dismissal was on the ground of its being inconsistent with Article 311(1). It was argued that the enquiry led by the Superintendent of Police infringed the mandate of Article 311 (1) as the sub-Inspector was appointed by the Inspector General of Police.

Judgment: The Supreme Court ruled that Article 311(1) "does not in terms require that the authority empowered under that provision to dismiss or remove an official should itself intimate or conduct the inquiry proceedings the dismissal or removal of the officer, or even that inquiry should be done at his instance". The only right guaranteed to a civil servant under Article 311 (1) is that he shall not be dismissed or removed by an authority subordinate to that by which he was appointed.