

Supreme Court of India

P. Anbalagan vs Distt. Educational Officer And ... on 19 July, 1993

Equivalent citations: AIR 1994 SC 1276

Bench: M M Punchhi, S Agrawal

JUDGMENT

1. Leave granted.

2. The appellant on 27-9-88 was appointed as Noon meal Organiser in a Government High School in the State of Tamil Nadu. Within a year of his service he had to face a departmental enquiry, one charge of which related to misappropriation of some clothes meant for school children. The explanation rendered by the appellant did not absolve him of the charge and an Order of punishment of dismissal was passed because the facts constituting the charge were virtually admitted. His appeal to the Tamil Nadu Administrative Tribunal met with a failure and this is why he has brought this matter before us in appeal.

3. The contention of Mr. S. Subramaniam, learned Counsel for the appellant, that the appellant was not afforded proper opportunity to meet the charge, does not impress us. We have read the explanation of the appellant which does not seem to us to be convincing. If his stance is true that there was no one to take charge of the clothes, which he had under his possession, from him he could easily have despatched them by other means to the authorities concerned. The clothes were few in number being six khaki half pants, two blue half saree and five uniforms. Even if he had failed to despatch then he could have placed these Articles as they were before the Enquiry Officer to absolve him of the charge. In no event, could the appellant hide behind mere words when a positive deed on his behalf by itself would have exonerated him of the charge. The action against the appellant seems to us well deserved requiring no, interference.

4. However, we have questioned the learned Advocate-General of Tamil Nadu appearing to defend this appeal and with his consent record that the punishment of the appellant be scaled down to one of removal without causing any hurdle or impediment for the appellant to seek Government service. The Advocate-General of Tamil Nadu has taken this stance on our pointing out to him that the appellant was a young man and within one year of his service had been visited with such consequences. The possibility cannot be Ruled out that he was inexperienced in handling such matters. Altering the punishment on concession as aforesaid, we dispose of this appeal. No costs.