

Supreme Court of India

Jangir Kaur vs State Of Punjab on 17 September, 1993

PETITIONER:

JANGIR KAUR

Vs.

RESPONDENT:

STATE OF PUNJAB

DATE OF JUDGMENT 17/09/1993

BENCH:

ACT:

HEADNOTE:

JUDGMENT:

ORDER ORDER

1. Delay condoned.

2. Notice was given for final disposal of the matter at this stage. Leave granted. Both sides have been heard on merits.

3. The respondent was employed as a Technician in the Post and Telegraph Department of the Union of India. While working in that capacity, the respondent assaulted his superiors including an Engineering Supervisor for which he was prosecuted. The respondent was convicted of the offence punishable under Section 332 IPC and the conviction was maintained up to the High Court. Thereafter, the respondent was compulsorily retired by an order dated 10-5-1982 passed by the Divisional Engineer (Phones), Varanasi after + Arising out of SLP (Civil) No. 7611 of 1993 giving him a show-cause notice and the requisite opportunity. The respondent has been paid the retiral benefits on his compulsory retirement.

4. The respondent challenged his compulsory retirement by filing a suit in the Court of City Munsiff, Varanasi which was transferred to the Central Administrative Tribunal, Allahabad Bench. By the impugned order dated 3-9-1992, the transferred case has been allowed and the order of compulsory retirement of the respondent has been quashed. However, the tribunal has not awarded back wages to the respondent. The respondent had preferred a special leave petition challenging the tribunal's order refusing the back wages to him but that SLP has already been dismissed. This appeal by special leave is by the Union of India against the tribunal's order quashing the compulsory

retirement of the respondent.

5.The undisputed facts of this case are sufficient to indicate that there can be no ground for interfering with the compulsory retirement of the respondent who appears to have been dealt with lightly notwithstanding his conviction under Section 332 IPC for assaulting his superior officers. The compulsory retirement made in these circumstances together with grant of all retiral benefits was the least action which could have been taken against the respondent. The tribunal clearly misunderstood the scope of its power in a case like this and clearly erred in interfering with the order of compulsory retirement on grounds which, in our opinion, were not available to it. The tribunal's order has, therefore, to be set aside, insofar as it quashes the order of compulsory retirement of the respondent.

6.Consequently, the appeal is allowed. The impugned order of the tribunal to the extent indicated is set aside resulting in dismissal of the respondent's transferred suit disposed of by the tribunal. No costs.