

A

STATE OF U.P.

v.

RAVINDER NATH CHATURVEDI AND ANR.

AUGUST 28, 1995

B

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

Service Law

C

*Dismissal order—Setting aside of by High Court—State's appeal—
Direction by Supreme Court.*

The High Court set aside the penalty imposed on the respondents on the ground that no reasonable opportunity was given to them during the inquiry by the Inquiry Officer.

D

Allowing the State's appeal and setting aside the order of the High Court, this Court

E

HELD : No one was examined to prove the case of the State. It is desirable that an officer who is acquainted with the records may be examined to prove the documentary evidence and opportunity may be given to the respondents to cross-examine the witness or produce any evidence in rebuttal. Thereafter, inquiry will be conducted within four months from the date of this order, the report will be given and copy thereof will be supplied to the respondents. The State Government is further directed to consider the inquiry report and take appropriate decision within three months of submission of Report. [109-B-C; D-E]

F

CIVIL APPELLATE JURISDICTION: Civil Appeal No. 7848 of 1995.

G

From the Judgment and Order dated 12.4.94 of the Allahabad, High Court in W.P. No. 7918 of 1986.

D.V. Sehgal and R.B. Misra for the Appellant.

A.B. Mathur, M.R. Vij and Shrish Kr. Misra for the Respondents.

H

The following Order of the Court was delivered :

Leave granted. Heard learned counsel for the parties.

A

The High Court has set aside the imposition of the penalty on the respondents on the ground that no reasonable opportunity was given to the respondents during the inquiry by the Inquiry officer. It is also found that no one was examined to prove the case of the State. It would be desirable that an officer who is acquainted with the records may also be examined to prove the documentary evidence and opportunity may be given to the respondents to cross-examine the witness or produce any evidence in rebuttal. Thereafter, inquiry will be conducted, the report will be given and copy thereof will be supplied to the respondents.

B

The order of the High Court is accordingly set aside. The Inquiry Officer, if he is still in service is directed to conduct and complete the inquiry within a period of four months from the date of receipt of this Order. If he is not in service, the State is directed to appoint another Inquiry Officer afresh who would do the needful within the said period.

C

In case of fresh appointment of Inquiry Officer, the State Government is directed to appoint an Inquiry Officer within one month from the date of receipt of this Order. After submission of the report by the Inquiry Officer, the State Government is further directed to consider the inquiry report and take appropriate decision within three months thereafter.

D

The appeal is accordingly allowed with the above directions. No costs.

E

T.N.A.

Appeal allowed.