

A SH. MEHNGA SINGH, EX-SUB INSPECTOR
v.
INSPECTOR GENERAL OF POLICE, PAP,
JALANDHAR CANTT. AND ORS.

B SEPTEMBER 1, 1995

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

Service Law :

C *Police Inspector—Loss of revolver and live cartridges—Dismissal—Plausible explanation offered—Modification of punishment—Compulsory retirement—Direction for retiral benefits.*

D **The appellant, an Inspector of Police, was dismissed from service for his failure to deposit service revolver and six live cartridges. His explanation was that he had to share a room with two other colleagues as a consequence of which the revolver and six cartridges were lost and unaccounted for. Therefore, exclusive liability may not be appropriate.**

Allowing the appeal, this Court

E **HELD : In view of the previous unblemish record of service and the plausible explanation offered by the appellant, the extreme punishment of dismissal from service is not warranted. Accordingly, the respondents are directed to modify the punishment of dismissal as one of compulsory retirement so that the appellant would be entitled to retiral benefits. The terminal benefits must be computed and paid within six months from the**
F **date of receipt of this order. [245-C-E]**

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 8082 of 1995.

G From the Judgment and Order dated 8.11.90 of the Punjab & Haryana High Court in C.W.P. No. 14302 of 1990.

I.K. Mehta, Mrs. S. Bagga and Ms. Tanuj Bagga, for the Appellant.

Sanjay Bansal for G.K. Bansal for the Respondents.

H The following Order of the Court was delivered :

Notice was issued on March 15, 1991 confined to the question of punishment. A

Leave granted. Heard learned counsel on both sides.

The appellant had unblemish record of service all through till 1989. Pursuant to the promotion given to him as Inspector, he was to deposit the service revolver and six live cartridges. It is his case that he had to share a room with two other colleagues as a consequence of which the revolver and six cartridges were lost and unaccounted for. Therefore, exclusive liability may not be appropriate. B

There is an element of possibility in the contention. In view of the previous unblemish record of service and the plausible explanation offered by the appellant, we are of the opinion that the extreme punishment of dismissal from service may not be warranted. Accordingly, we direct the respondents to modify the punishment of dismissal as one of compulsory retirement so that the appellant would be entitled to retiral benefits. C D

The appeal is according allowed. There shall be a direction to the respondents to issue appropriate orders as directed above. Consequently, the appellant would be entitled to all the terminal benefits which must be computed and paid within six months from the date of receipt of this order. His pension is also directed to be released within the above period. No costs. E

T.N.A.

Appeal allowed.