

Tej Ram Bery

Vs

Union of India and Another

Civil Appeal No. 1947 (N) of 1969

(K.S.Hegde, A.N.Grover, A.N.Ray JJ)

30.11.1971

JUDGMENT

HEGDE, J. -

This is an appeal by special leave. It is directed against the order of the High Court, Delhi, dismissing summarily the Civil Writ 18 of 1969 filed by the appellant. In that writ petition the appellant challenged the order compulsorily retiring him from service. The appellant was ordered to be compulsorily retired from service, after holding an enquiry and after coming to the conclusion that his known assets exceed the amount he could have reasonably saved by his earning by about Rs. 7,000. The appellant has alleged in his writ petition inter alia that the findings arrived at against him are unsupported by any evidence and further that he had not been given reasonable opportunity to put forward his case. In support of those contentions he had pleaded by him required investigation. It is not as if the facts pleaded do not make out the case put forward by him. Hence the High Court was not justified in summarily dismissing the writ petition. Hence we set aside the order of the High Court and remit the case to the High Court with a direction to admit the writ petition and dispose of the same according to law expeditiously. No costs.

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