

Anand Narain Shukla

Vs

State of Madhya Pradesh

Civil Appeal No. 467 of 1979

(N.L. Untwalia, A.P. Sen JJ)

02.08.1979

ORDER

1. The appellant was an Office Superintendent in the office of Agriculture Department. Certain charges were levelled against him. An enquiry was purported to be held. After finding him guilty of some of the charges, he was reverted to a lower rank. He challenged that order by filing a writ petition in the Madhya Pradesh High Court. That writ petition was allowed and the order of reversion was quashed on the ground that the enquiry held was not proper and legal. In view of the order of the High Court, the appellant was reinstated in his original post of Office Superintendent. But shortly after, he was put under suspension and fresh proceedings, were started on the basis of the same old charges. In the second proceedings, he has been found guilty of certain charges, the details of which are not necessary to be mentioned in our judgments. He was again reverted and it was also directed in the order that the allowance paid to him during the period of suspension could remain intact. The appellant filed a second writ petition in the High Court to challenge the fresh order of reversion. The High Court had dismissed his writ petition. Hence this appeal in this Court on grant of a certificate by the High Court.

2. Mr. D. N. Mukherjee, learned counsel for the appellant urged only two points before us : (1) that after the earlier order of reversion was quashed by the High Court and after the appellant was reinstated, no second enquiry on the very same charges could be held and no second order of reversion could be legally and validly made; and (2) that appellant was entitled to the full salary for the period of suspension.

3. We find no substance in either of the points urged on behalf of the appellant. The earlier order was quashed on a technical ground. On merits, a second enquiry could be held. It was rightly held. The order of reinstatement does not bring about any distinction in that regard. The Government had to pass that order because the earlier order of reversion had been quashed by the High Court. Without reinstating the appellant, it would have been difficult, perhaps unlawful, to start a fresh enquiry against the appellant. The observations of this Court in the last paragraph of the judgment in *State of Assam v. J. N. Roy Biswas* ((1979) 1 SCC 234 : 1976 SCC (L&S) 10 : (1976) 2 SCR 128 : AIR 1975 SC 2277), are not applicable to the facts of the present case and do not help the appellant at all.

4. The reduced amount paid to the appellant for the period of suspension was affirmed by making it a part of the order of reversion itself. That being so, the second point urged by the counsel is also of no substance. For the reasons stated above, we dismiss this appeal but since the appellant has already retired from service, we make no order as to costs.

</html