

Ved Prakash Chaudhry

Vs

State of Haryana and Others

Civil Appeal No. 508 of 1979

(V.R. Krishan Iyer, R.S. Pathak JJ)

25.10.1979

JUDGMENT

KRISHNA IYER, J. -

1. The appellant in this case, who has come to this Court by special leave, is a Lecturer in a Government college run by the State of Haryana. On the score that he was guilty of insubordination, disciplinary proceedings were initiated against him, which eventuated in his dismissal by the Director of Public instructions. This order was challenged under Article 226 of the Constitution, which was dismissed in limine by the High Court. The Petition for leave under Article 136 having been granted, this appeal came up for hearing. When the facts were preliminarily explained, the court felt that this was a case where, apart from the merits, there would be serious hardship and inequity if the lecturer were dismissed from the service. Thereupon, the counsel for the State agreed to consult his client, the State of Haryana and convey the view expressed by the court. Shri Lekhi, appearing for the State, represents that his client has acceded to the suggestion made by the court as a fair course and that an order may be passed which may take care of the equity of the situation without encouragement to insubordination.

2. We consider that this is eminently a case where the appellant lecturer should be dealt with leniently. He express contrition for his conduct which was not offensive but was misunderstood as insubordination. We direct the State to reinstate the appellant in service and to pay half the amount that may be due to him by way of salary during the period between today and the date on which he was ostensibly dismissed namely June 27, 1974. He will be reinstated within two weeks from today. Parties will bear their own costs.

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