

Dr. Bhupinder Singh

Vs

Union of India and Others

Writ Petition No. 1153 of 1979

(V. R. Krishna Iyer, R. S. Pathak, O. Chinnappa Reddy JJ)

01.07.1980

JUDGMENT

KRISHNA IYER, J. –

1. The short question that arises before us for consideration is as to the validity of the disciplinary proceedings against a senior police officer which have been instituted as far back as 1975 by the State of Assam. The petitioner is a member of the Indian Police Service and his grievance is that by keeping the disciplinary proceedings pending his claim to promotion is being passed over and many who are junior to him are securing promotions while he is in a static state. We think there is substance in the grievance of the petitioner. We are not inclined to consider the merits of the matter. Of course, the disciplinary authority will go into the tenability of the charges but it cannot keep the proceeding indefinitely pending causing injustice to the petitioner. We, therefore, direct the State of Assam to dispose of the disciplinary proceedings finally within six months from today. In case the State does not so dispose of the disciplinary enquiry it will consider the claim of the petitioner for future promotions as if there were no disciplinary enquiry pending against him. Not that he will be exonerated from the charges but promotions legitimately due to him will not be withheld on the score that disciplinary proceedings are pending. The question of payment of salary for the second spell of suspension from November 20, 1975 to September 16, 1978 will be considered in a just and fair spirit by the State Government and orders passed expeditiously. With this direction we dispose of the writ petition.

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