

State of U. P.

Vs

Raj Kishore

Civil Appeal No. 1402 of 1973

(M. P. Thakkar, B. C. Ray JJ)

19.02.1987

### JUDGMENT

1. We have heard learned counsel for the appellant who has taken us through the relevant parts of the record and the judgment of the High Court. We are of the opinion that the High Court was right in taking the view that the finding recorded by the disciplinary authority holding the respondent guilty of the alleged misconduct was based on 'no evidence'. We see no reason to disturb the said conclusion in this appeal by special leave. The reasoning of the High Court is unexceptionable and unassailable on this score. Since we are upholding the decision of the High Court on this point, it is not necessary for us to express any opinion on the other point, namely, as to whether the charge-sheet was issued by the competent authority and we leave the question open for decision in future if an occasion arises. The trial court will now proceed with the matter with expedition as directed by the High Court and dispose it of in accordance with law preferably within three months of the receipt of a copy of this judgment. The appellant shall pay to the respondent the amount as may be determined by the trial court within three months thereafter.

2. The appeal is accordingly dismissed. No order as to costs.

</html