

Dr. Ved Vrat

Vs

Union of India and Others

Civil Appeal No. 4001 of 1984

(Ranganath Misra, M. M. Dutt JJ)

29.07.1987

ORDER

1. Appellant in this appeal by special leave is an Orthopaedic Surgeon and is in the employment of the Union Territory of Delhi. There is no dispute that he is liable to be transferred and posted in any other Union Territory. Dispute arose relating to his transfer to the Andamans and a disciplinary action has been initiated against him on the allegation that he refused to comply with the order of transfer.

2. Under the interim directions of this Court the appellant later went to Andmaman and after reporting there to duty has been posted back to Delhi and now he is in one of the Delhi Hospitals. Three aspects have been advanced before us-The first relates to the salary for the intervening period which is said to be from October 1979 to July 1984; the second contention is with reference to other service benefits and the third is as to justification of continuing the disciplinary proceedings.

3. We have heard learned counsel for the parties and are of the view that the manner in which the entire thing has been handled is not creditable for either party but it is not necessary to go into the merits any further.

4. Mr. Ghosh appearing for the appellant has agreed to our suggestion that the appellant shall forego two years' salary out of the period aforesaid in case all the remaining service benefits to which appellant is entitled to are given. we consider this appropriate in the facts and circumstances of this case. We see no reason as to why the appellant should suffer any other loss of service benefits nor do we see any utility in continuing the disciplinary proceedings. We accordingly direct the disposal of the appeal in the following terms :

(1) The appellant shall be entitled to all his service benefits excepting actual salary for a period of two years relating to the gap between October 1979 and July 1984.

(2) The disciplinary action against him shall terminate.

(3) Mr. Ghosh has agreed and in the presence of the party we have indicated that the appellant would be liable to be posted out as and when the appropriate authority directs.

(4) The amount paid pursuant to interim orders of this Court shall be adjusted against the appellant's dues and his dues be settled within 60 days from today.

5. The appeal is disposed of accordingly. There will be no order as to costs.

</html