

Lala Radha Kumar Sinha

Vs

State of Bihar and Others

Civil Appeal No. 471 of 1988

(Ranganath Misra, M.M. Dutt JJ)

01.02.1988

ORDER

1. Special leave granted.

2. Mr. Sorabjee, learned counsel for the High Court, respondent has produced the confidential character rolls of the appellant for the years 1975 up-to-date and we have perused the same carefully. We are of the view that compulsory retirement was not the appropriate punishment in the facts and circumstances of the case.

3. The appeal is allowed and order of compulsory retirement is set aside. The appellant shall be restored to service and given a suitable posting within four weeks from now. He would be entitled to the benefits of service from January 21, 1985 till he joins his posting. The High court would take into account the promotional prospects of the appellant also. We are told that the appellant is due to superannuate on March 1, 1989. He may be kept under special observation for six months.

4. Parties are directed to bear their respective costs.

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