

Ramaiah

Vs

State of Karnataka and Others

Civil Appeal No. 2365 of 1989

N. D. Ojha, E. S. Vankataramiah JJ)

10.04.1989

ORDER

1. Delay condoned. Special leave granted limited to the question of quantum of punishment imposed on the appellant in the disciplinary proceedings. The appeal is heard.

2. In the disciplinary proceedings, 3 persons were charged - the first one was a Sub-Registrar, the second one was a Clerk and the third one (the appellant before us) was a Peon. The charge against the appellant was that as per direction of the Sub-Registrar, the appellant received a sum of Rs. 175 from the person who had made the complaint while the actual amount payable was Rs. 100. On enquiry, it was found the case was true. The appellant admitted before the Enquiry Officer that he had received the amount of Rs. 175 under the directions of Sub-Registrar. At the conclusion of the enquiry all the 3 persons charged, namely, Sub-Registrar, the Clerk and the appellant were found guilty of the charges levelled against them and all of them were dismissed from service. In this appeal, the only question argued before us relates to the question of punishment imposed on the appellant. Having regard to the facts narrated in the report of the State Vigilance Commissioner, Bangalore, we feel that the case of the appellant who was a Peon should have been treated by the disciplinary authorities differently from the case of the Sub-Registrar or the case of the Clerk in the matter of imposition of punishment. We feel that a lenient view should have been taken in the case of the appellant who had carried out the directions of the Sub-Registrar. We therefore, direct that the punishment of dismissal imposed on the appellant shall be modified into one of compulsory retirement from service from the date on which he was suspended from service in connection with the disciplinary enquiry. Whatever retirement benefits are due to the appellant on the above basis shall be disbursed to him within 3 months.

3. This order is passed in modification of the order of the Tribunal.

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