

State of Karnataka and Another

v.

M. Rangaswamaiah

(Supreme Court Of India)

HON'BLE JUSTICE KULDIP SINGH HON'BLE JUSTICE YOGESHWAR DAYAL

Civil Appeal No. 4220 Of 1992 | 12-10-1992

1. Special leave granted

2. M. Rangaswamaiah, the respondent, was awarded the penalty of stoppage of two future increments on April 3, 1986 as a result of departmental proceedings. He challenged the same before the Karnataka Administrative Tribunal. Relying upon the judgment of this Court in Union of India v. Mohd. Ramzan Khan [1991 (1) SCC 588 : 1991 SCC(L&S) 612 : 1991 AIR(SC) 471], the Tribunal quashed the punishment on the ground that the copy of enquiry report was not supplied to the respondent. We are of the view that the Tribunal fell into patent error as Ramzan Khan case [1991 (1) SCC 588 : 1991 SCC(L&S) 612 : 1991 AIR(SC) 471] is not applicable to the facts of the present case. This Court in its judgment in Ramzan Khan case [1991 (1) SCC 588 : 1991 SCC(L&S) 612 : 1991 AIR(SC) 471] has specifically directed that the law laid down in the said case be operative prospectively. As such, the ratio in Ramzan Khan case [1991 (1) SCC 588 : 1991 SCC(L&S) 612 : 1991 AIR(SC) 471] can only be made applicable in those cases where the punishment was awarded after the date of the delivery of the judgment in the said case

3. In the present case, the punishment of stoppage of increments was inflicted on the respondent on April 3, 1986 whereas the judgment in Ramzan Khan case [1991 (1) SCC 588 : 1991 SCC(L&S) 612 : 1991 AIR(SC) 471] is dated November 20, 1990. It is thus obvious that the Tribunal was not justified in quashing the punishment which was awarded to the respondent much earlier to the judgment in Ramzan Khan case [1991 (1) SCC 588 : 1991 SCC(L&S) 612 : 1991 AIR(SC) 471]

4. We allow the appeal and set aside the order of the Tribunal. No costs.