

**SUPREME COURT OF INDIA**

Mangla Giri

Vs.

Regional Administrative Committee Varanasi

(K Ramaswamy and G Pattanik JJ.)

11.10.1996

**ORDER**

Delay condoned.

The charge against the petitioner is that as per special Audit for 1981-82, he defalcated a sum of Rs. 18,970.85 in General Distribution System, Rs. 20,789.50 under Cash and carry programme and had shown shortage of four quintals of sugar worth amount Rs. 1530/- and 80 Kgs. of sugar worth amount Rs. 308/- and as per special Audit report of 1982-83, for a further amount of Rs. 23,746.00. An opportunity was given to the petitioner to make good the loss. But he did not deposit the money. Consequently, an order of his removal from service came to be passed but reasons for the same were no assigned. He filed an appeal before the Regional Administrative Committee which dismissed the same. When the petitioner filed with petition No. 31643/90 the Higher Court in the impinged order dated April 17, 1996 dismissed the writ petition. Thus, this special leave petition.

A contention has been raised by the petitioner that he has not been given an opportunity to defend and except for the year 1991, no direction was given earlier and, therefore, he was denied of reasonable opportunity to defend himself resulting in violation of natural justice. We find no force in the contention. When the petitioner was given opportunity to make good the loss and he did not deposit the same, it is too difficult to believe that the locker was opened in his absence and the amount was taken by somebody in his absence when he was on leave due to medical grounds. The theory now set up too fantastic to be believed. Under those circumstances, we do not find any illegality in the order passed by the High Court warranting interference. The special leave petition is accordingly dismissed.