SUPREME COURT OF INDIA

State of Karnataka

Vs.

H. Nagaraj

(S V Manohar and D Wadhwa JJ.)

23.10.1997

ORDER

1. The respondent was working as a police constable attached to the Sheshadripuram Traffic Sub-Zone, Bangalore city. He was served with a charge-sheet dated 2-6-1985. The charges are to the effect that while the respondent was working as a station rider in Sheshadripuram Traffic Sub-Zone he used to catch a number of auto rickshaw drivers daily for traffic offences unofficially and would let them go after collecting from each driver Rs 50 to Rs 70. If the auto rickshaw driver refused to pay, he would issue police notices which would be subsequently withdrawn when the amount was paid. In the case of traffic violation he used to collect Rs 150 to Rs 200 from each driver. We need not go into the details of the charges. He was basically charged with gross misconduct in collecting money from auto rickshaw drivers. A departmental enquiry was held and he was found guilty of the charges. The disciplinary authority thereupon imposed on the respondent the punishment of dismissal from service. His appeal was also dismissed. The Karnataka Administrative Tribunal, however, by its order dated 23-12-1988 has reduced the punishment to withholding of two increments with cumulative effect on the ground that the punishment imposed was too harsh.

2. We fail to see how the Tribunal, when it upheld the enquiry could have interfered with the quantum of Punishment in this fashion. As far back as in 1989, this Court in the case of Union of India v. Parma Nanda, held that the jurisdiction of the Tribunal to interfere with disciplinary matters and punishment cannot be equated with appellate jurisdiction. The Tribunal cannot interfere with the Findings of the Enquiry Officer or the Competent Authority where they are not arbitrary or utterly perverse. The Court said "It is appropriate to remember that the power to impose penalty on

a delinquent officer is conferred on the competent authority either by an Act of legislature or rules made under the proviso to Article 309 of the Constitution. If there has been an enquiry consistent with the rules and in accordance with principles of natural justice what punishment would meet the ends of justice is a matter exclusively within the jurisdiction of the competent authority."

3. The same view has been reiterated in a more recent decision of this Court in Union of India v. G. Ganayutham, . This Court has held that the principle of proportionality can be invoked regarding punishment only in a case where the punishment was totally irrational in the sense that it was in outrageous defiance of logic or moral standards. Such is not in the present case. Hence, the order of the Tribunal which is impugned before us is set aside and the order of the appellate authority is restored. The appeal is accordingly allowed. No costs.