

SUPREME COURT OF INDIA

Ram Autar Singh

Vs.

State Public Service Tribunal

(S Majmudar and A Misra JJ.)

30.03.1998

ORDER

1. Leave granted.

2. Respondent 1 is a pro forma respondent. With the consent of learned counsel for both the sides, the appeal was heard finally.

3. The short question is whether the punishment of dismissal from service inflicted on the appellant -- a police constable, on the ground that he had remained on hunger strike for one day is grossly disproportionate or not. Only on this short point, notice was issued on the special leave petition which has now culminated into this appeal on grant of special leave.

4. In our view, looking to the facts and circumstances of the case that he remained absent for one day on hunger strike for opposing his transfer it could not have been said that it required the punishment of dismissal from service. Consequently, in our view, interest of justice will be served if the order of dismissal is set aside and instead the appellant is ordered to be reinstated in service with only 50 per cent of back wages as we are told that since 1991 till date, he is out of a job. The appellant shall also file a written apology for what he had done on the fateful day and must

undertake to be transferred to any place to which he is ordered to be transferred by the competent authority. The appellant shall also be warned to behave in a more disciplined manner in future. The aforesaid order of punishment, in our view meets the ends of justice. The appellant shall report to the Superintendent of Police, Lalitpur under whom he was working prior to his dismissal and thereafter he will be subjected to any further orders of transfer, if any. The appellant will be reinstated with continuity of service and with all other consequential benefits. 50% back wages shall be paid to the appellant in six weeks of his reporting for duty. The appeal is allowed to the aforesaid extent. No costs.