

SUPREME COURT OF INDIA

District Forest Officer

Vs.

R. Rajamanickam

(V. N. Khare and S. N. Phukan JJ.)

03.05.2000

ORDER

V.N. KHARE, J.

1. The respondents herein are the Forest Watchers and Guards in the employment of the Forest Department of the State of Tamil Nadu. It appears certain acts of misconduct committed by the respondents came to the notice of the appellant. It is not disputed that the appellant is the disciplinary authority. The appellant after making an inquiry served separate charge sheets on the respondents asking them to file an explanation in respect of the charges leveled against them. The matter was inquired into by the appellant by examining the witnesses in support of the charges and also witnesses examined by the delinquent officer in their defence. Before any final order could be passed, the respondents approached the Tamil Nadu Administrative Tribunal, Chennai against issuance of charge sheet against them and inquiry initiated in pursuance thereof. The Tribunal after entertaining those original applications, by an interim order restrained the appellant from passing any final order consequent upon the inquiry conducted by the appellant. Subsequently when the matter came up for hearing the Tribunal went into the exercise of finding out the correctness or otherwise of the charges leveled against the respondents. The Tribunal re- evaluated and reassessed the evidence and came to the finding that the charges leveled against the respondents are not proved and, therefore, the Tribunal quashed the charge sheets issued against the respondents. It is against the said judgment of the Tribunal that the appellant is in appeal before us. Learned Counsel appearing for the appellant urged that the kind of limited jurisdiction conferred upon the Tribunal, it was not open to the Administrative Tribunal to go into the correctness or otherwise of the charges leveled against the respondents and thereby quashed the chargesheets issued against them. We find merit in the submission. In *Union of India v. Upendra Singh*: (1994)ILLJ808SC it was held thus at

p. 811 of LLJ:

6. In the case of charges framed in a disciplinary inquiry the Tribunal or Court can interfere only if on the charges framed (read with imputation or particulars of the charges, if any) no misconduct or other irregularity alleged can be said to have been made out or the charges framed are contrary to any law. At this stage, the Tribunal has no jurisdiction to go into the correctness or truth of the charges. The Tribunal cannot take over the functions of the disciplinary authority. The truth or otherwise of the charges is a matter for the disciplinary authority to go into. Indeed, even after the conclusion of the disciplinary proceedings, if the matter comes to Court or Tribunal they have no jurisdiction to look into the truth of the charges or into the correctness of the findings recorded by the disciplinary authority or the appellate authority as the case may be.

2. In view of the aforesaid decision we find that the Tribunal was not justified under law to interfere with the correctness of the charges leveled against the delinquent officer. We, therefore, set aside the order and judgment of the Tribunal under appeal. However, since no final order has been passed it will be open to the respondents to challenge the said order, if any adverse order is passed against them. The appeals are allowed. Since none appeared for the respondents there shall be no order as to costs.