

**SUPREME COURT OF INDIA**

M. Adaikkan

Vs.

Registrar of Co-Operative Sty.

C.A.No.1739 of 2009

(V.S. Sirpurkar and H.L.Dattu JJ.)

17.03.2009

**ORDER**

Delay condoned.

Leave granted.

1. This matter pertains to the punishment awarded to the appellant herein who was found guilty in the departmental proceedings. It is an admitted position that departmental action was taken in case of all Special Officers of the Co-operative Societies. As many as 47 such Special Officers were involved and all of them were found guilty. The present appellant, however, faces the extreme penalty of dismissal. Therefore, we had suggested Mr. Shanmuga Sundaram, learned senior counsel appearing on behalf of the respondent to enquire as to what kind of punishment was given to the other Special Officers who were similarly circumstanced as the appellant. He very fairly gives us a table which shows that excepting the appellant all the other Special Officers have been dealt with not so severely and the only punishment which has been awarded to them was stoppage of increment for two years or six months without cumulative effect. We feel that under these circumstances, the appellant's punishment should also be brought down to the stoppage of increment for six months without cumulative effect. The appeal is accordingly disposed of with the direction that instead of dismissal, the appellant shall be given the punishment of stoppage of increment for six months without cumulative effect.

2. We appreciate the fairness of Mr. Shanmuga Sundaram, learned senior counsel appearing on behalf of the respondent.

3. However, this shall be treated as a special case.