

SUPREME COURT OF INDIA

NTR University of Health Sciences

Vs.

L.Prakasam Reddy

C.A.No.14143 of 2015

(Kurian Joseph and Arun Mishra, JJ.)

08.12.2015

JUDGMENT

Kurian Joseph, J.

1. Leave granted.

2. The appellant/University is aggrieved by the judgment dated 24.09.2013 in Writ Appeal No. 1016/2009. In the nature of the order, we propose to pass in this case, we do not think it necessary to go in detail to the factual matrix. The respondent was proceeded against in departmental proceedings culminating in his dismissal from service. The respondent was originally appointed as Assistant Professor in the appellant/University on 02.03.1981 and thereafter he was selected and appointed as Deputy Registrar on 03.03.1993. While he was serving as such and in-charge of the examination branch, he was suspended from service vide order dated 01.05.1995. The main charge was that he connived with the Superintendent(Examinations) in tampering the marks list of one student of MBBS who had actually failed in two subjects, and also forged two letters to help the student to get him declared as passed. The learned Single Judge in the writ petition challenging the order of removal of the petitioner from service, having regard to the observations and finding that the disciplinary proceedings impugned before the High Court suffers from procedural irregularities and also violation of principles of natural justice, disposed of the writ petition with a direction to the appellant/University to have a fresh look in the matter of punishment and permitted the appellant/University to impose any suitable punishment other than dismissal/removal from service. The said judgment of the learned Single Judge dated 09.03.2007 in Writ Petition No. 9166 of 1997 was carried further by the appellant/University in writ appeal before the High Court leading to the impugned judgment. The Division Bench concurred with the learned Single Judge that there had been procedural irregularities and violation of principles of natural justice in the departmental proceedings and hence, declined to interfere with the judgment of the learned Single Judge and thus, aggrieved, this appeal. Having heard the learned counsel appearing for the appellant/University and also the counsel for the respondent, we are of the view that interest of justice would be served, in case the

judgment of the learned Single Judge dated 09.03.2007 is implemented by substituting the punishment of dismissal/removal by any other suitable punishment. The substituted punishment will take effect from the original date of the punishment viz. 05.03.1997. The monetary benefits, if any, flowing out of substituted punishment shall be disbursed to the respondent including the pensionary benefits, if any, within the period of 10 weeks from today. The arrears, if any, shall carry interest @ 6% per annum with effect from 05.03.1997.

4. The civil appeal is disposed of in the aforestated terms