

Devendra Singh Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Jun-25-2013

Appellant : Devendra Singh

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Neeraj Ashar

Judgement :

1 W.A.No.518/2013 Devendra Singh State of M.P.& others 25.6.2013 Shri Neeraj Ashar, Counsel for appellant.

Shri Piyush Dharmadhikari, GA for respondents/State.

This appeal is directed against an order dated 4.2.2010 in W.P.No.13417/2003 by which the writ petition preferred by the appellant against the order of removal, in the departmental proceedings, was dismissed.

The allegations against the appellant were that the appellant had received illegal gratification, in Crime No.122 of 1989 of Police Station Kundam, District Jabalpur for an offence under Section 302/34 of IPC from the so-called accused persons.

In the departmental enquiry, aforesaid charges were found proved and subsequently the appeal against the punishment order was dismissed.

This appeal is barred by limitation by 2 years 350 days for which, appellant has filed an application (I.A.No.7441/2013) seeking condonation of delay in filing this appeal.

Considering long delay in filing the appeal, we find it appropriate to look into the matter on merits and if there is any merit in the appeal, the question of condonation of delay may be considered.

From the perusal of the record, it appears that the allegations were found proved in the departmental proceedings and before the writ Court the main emphasis of the appellant was that in similar act against two employees, a lenient view had been taken while in the case of the appellant, stringent action has been taken.

In the case of receiving illegal gratification, punishment which has been awarded to the appellant appears to be just and proper and except this, no other punishment could have been awarded.

Merely against two employees a different punishment was awarded cannot be a ground to exonerate the 2 W.A.No.518/2013 Devendra Singh State of M.P.& others 25.6.2013 appellant from the aforesaid charges or to take a lenient view.

The learned Single Judge considered the matter at length and recorded a finding that the aforesaid charges were proved in the departmental proceedings, in which there is no error.

In view of aforesaid, we find that in the impugned order passed by the writ Court, there appears to be no error warranting our interference in the appellate jurisdiction.

In view of aforesaid, we find that this appeal is without merit and accordingly the appeal is dismissed at admission stage.

The application I.A.No.7441/2013 filed under Section 5 of the Limitation Act is also dismissed as appeal has been preferred with inordinate, unexplained delay.

No order as to costs.

(Krishn Kumar Lahoti) (Subhash Kakade) Acting Chief Justice Judge C.

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