

Rameshwar Singh Pal Vs. State of U.P. and Others

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Court : Allahabad

Decided On : Aug-31-1998

Reported in : 1998(3)AWC2392; [1998(80)FLR834]

Judge : D.K. Seth, J.

Appeal No. : C.M.W.P. No. 27283 of 1998

Appellant : Rameshwar Singh Pal

Respondent : State of U.P. and Others

Advocate for Def. : S.C.

Advocate for Pet/Ap. : Ram Autar Verma, Adv.

Judgement :

D.K. Seth, J.

1. It is alleged in the letter dated 12th January, 1998 that the petitioner used to stay outside the headquarter without any leave and permission and that after coming back, he forces his signature on the Attendance Register. He also deliberately flouts the orders of his superiors. On these grounds, he was asked to explain his conduct within a week with the condition that in default, disciplinary proceedings would be initiated against him. By letter dated 29th July. 1998, contained in Annexure-2A, the respondents had stopped salary of the petitioner on

the ground that no reply to the letter dated 12th January, 1998, has been given by the petitioner.

2. In case, disciplinary proceeding is contemplated, it is open to the respondents to suspend the petitioner in contemplation of domestic enquiry. But there is no provision for stopping salary on the ground that reply has not been given, particularly when in the letter dated 12th January, 1998. It was stipulated that in default, disciplinary proceedings would be initiated against him. Stoppage of salary is in the nature of a punishment and is not contemplated under the service jurisprudence.

3. In that view of the matter, the order dated 20th July, 1998 so far as it relates to stoppage of salary of the petitioner, cannot be sustained and, is, accordingly, quashed only to that extent.

4. Let a writ of certiorari do issue accordingly. This writ petition is thus disposed of. However, this order will not prevent the respondents, if they are so advised to take appropriate steps, either to hold disciplinary proceedings or to suspend the petitioner in contemplation of the disciplinary proceedings, as the case may be. No costs.

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