

Sahdev Singh Vs. U.P. Public Service Tribunal and ors.

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Court : Allahabad

Decided On : Feb-19-2001

Reported in : [2001(89)FLR434]; (2001)1UPLBEC865

Judge : M. Katju and ;Onkareshwar Bhatt, JJ.

Appeal No. : Civil Misc. Writ Petition No. 1722 of 1999

Appellant : Sahdev Singh

Respondent : U.P. Public Service Tribunal and ors.

Advocate for Def. : S.C.

Advocate for Pet/Ap. : Siddharth, Adv.

Judgement :

Markandey Katju and Onkareshwar Bhatt, JJ.

1. The petitioner was a police constable. He was appointed on 3 1,1.1976 and was confirmed on that post. In the night of 25.1.1993 he was found having consumed liquor. He was charge- sheeted and after enquiry he was dismissed from service. His appeal was also rejected and his claim petition before the U.P. Public Service Tribunal was also dismissed. Hence this petition.

2. A perusal of the impugned order of the Tribunal shows that the petitioner has stated that he has nothing to say in his defence nor he has to produce any witness but he has prayed for forgiveness and assured that he will not commit such act again in future. In these circumstances we are of the opinion that a lenient view should be taken against the petitioner and some lesser punishment should be given to him. As Portia said in Shakespeare's 'Merchant of Venice', Justice should be tempered with mercy. In the circumstances we are of the opinion that although the petitioner does deserve some punishment but the punishment of dismissal is too harsh. Hence we set aside the impugned order dated 3.6.1997, 31.10.1993 and 30.7. 1993 and we direct that the petitioner shall be reinstated in service but he will be given only 25% of the back salary from the date of dismissal to the date of reinstatement and he shall be reinstated within a month of production of a certified copy of this order before the S.S.P., Saharanpur. We further warn the petitioner not to commit such act in future. It is made clear that the petitioner will get continuity of service.

3. The petition is partly allowed.