

In Re: M.M.B. Salmani

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Court : Chennai

Decided On : Jan-21-1957

Reported in : AIR1957Mad612; (1957)2MLJ259

Judge : Rajamannar, C.J. and ;Panchapakesa Ayyar, J.

Acts : Madras Civil Services Regulations - Article 470; [Constitution of India](#) - Article 311

Appeal No. : Writ Appeal No. 14 of 1957

Appellant : In Re: M.M.B. Salmani

Advocate for Pet/Ap. : R.M. Seshadri, Adv.

Disposition : Appeal dismissed

Judgement :

Rajamannar, C.J.

1. We see no reason to interfere with the order of the learned Judge, Rajagopalan J. In our opinion the Government had every power to reduce the pension even as a punishment as the charges which were framed when the petitioner was on service were held to have been proved. A stray sentence from the judgment of Rajagopala Ayyangar J. in W. P. No. 771 of 1954 (A), was relied on in support of an argument that the charges framed when the officer was in service cannot be

continued after he had ceased to be in service. That point, did not directly arise in that case, and we do not understand the learned Judge to lay down that in no case can charges framed against an officer while in service be continued after his retirement. If he meant to lay that down as a proposition, with respect, we are unable to agree with him. The learned Judge has found -- and we agree with him -- that the appellant was given an opportunity to show cause why his pension should not be cut and he availed himself fully of that opportunity. The Government were entitled to reduce the pension after considering the representations made by him under Article 470 (b) of the Civil Service Regulations.

2. The appeal is dismissed.

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