

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1955 OF 2014

[Arising out of Special Leave Petition (Civil) No.18724 of 2008]

Union of India & Ors.
Appellant(s)

versus

S.P. Verma

.. Respondent(s)

J U D G M E N T**C. NAGAPPAN, J.**

1. Leave granted.
2. The dispute in this appeal relates to the validity of an order dated 18.2.1998 of dismissal passed by the appellants against respondent. The dismissal came as a measure of punishment for proved misconduct on account of the respondent having occupied a parcel of

land owned by the Indian Railways with whom the respondent was employed at the relevant point of time. The dismissal order was challenged by the respondent before the Central Administrative Tribunal who quashed the same by its order dated 17.5.2007. The appellants questioned the said order of dismissal before the High Court of Allahabad in W.P. No.30501 of 2007 which was disposed of by a Division Bench of that Court by an order dated 8.2.2008. The High Court was of the view that the Tribunal committed no error in quashing the order impugned before it but gave liberty to the Disciplinary Authority to initiate departmental proceedings in accordance with law on the happening of any of the events mentioned in the order of the Tribunal. The High Court held that since the appeal filed by the respondent-employee against the order of eviction passed by the Estate Officer had not been disposed of, the appellant would be free to take further steps in the matter once the appeal is disposed of.

3. When the matter was listed on 23.11.2012, learned Additional Solicitor General submitted that the appeal filed by the respondent-employee has since been dismissed and the order of eviction passed by the Estate Officer has thereby attained finality as no further proceedings have been taken by the employee and there is no impediment for further action to be taken against the respondent-employee in accordance with the liberty reserved to the appellants by the Tribunal as also by the High Court.

4. Considering the facts and circumstances of the case, this Court provided an option to the parties to find a suitable middle course that meets the ends of justice making another round of long drawn proceedings unnecessary and the matter was periodically adjourned to various dates.

5. From the submissions now made by Mr. Rakesh K. Khanna, learned Additional Solicitor General appearing for the appellants and Mr. B.K. Mishra, learned counsel

appearing for the respondent, we come to know that no amicable solution could be reached between the parties in spite of long passage of time and the matter has to be dealt with on merit. Admittedly, the appeal preferred by the respondent-employee under Section 9 of Public Premises Eviction of Unauthorized Occupants Act, 1971 was pending when the punishment of dismissal was inflicted on respondent-employee and on that ground the Tribunal quashed the dismissal order but gave liberty to the Disciplinary Authority to restart the proceedings after the final outcome of the appeal or the other event mentioned therein. The High Court upheld the said order of the Tribunal and in our view it rightly did so and no interference is called for with the same.

6. The appeal lacks merit and is dismissed.

.....J.
(T.S.
Thakur)

.....J.
(C. Nagappan)

New Delhi;
February 11, 2014.

SUPREME COURT OF INDIA



JUDGMENT