

PETITIONER:
V.R. KATARKI

Vs.

RESPONDENT:
STATE OF KARNATAKA AND ORS.

DATE OF JUDGMENT 22/03/1990

BENCH:
MISRA RANGNATH
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MISRA RANGNATH
VERMA, JAGDISH SARAN (J)

CITATION:
1991 AIR 1241 1990 SCR Supl. (3) 1
1991 SCC Supl. (1) 267 1991 SCALE (1) 497

ACT:
Service Law: Karnataka Judicial Service--Civil
Judge--Dismissal on ground of irregularities in discharge of
official duties--Validity of-- Quantum of
punishment--Whether proportionate--Confidence of
parties--Foundation of Judicial system--Hence, not to be
affected.

HEADNOTE:

The appellant, a Civil Judge, was dismissed by the High Court on the ground that he had committed certain irregularities in the adjudication of references under Section 18 of the Land Acquisition Act, 1894 by (i) writing letters to the Land Acquisition Officer, for enforcing the Award, even though under Section 82 of the Civil Procedure Code, 1908, decrees against the State were not available for execution before 90 days, (ii) fixing valuation higher than the legitimate one for the lands, and (iii) using order-sheets got printed by the Advocate for the parties. He was also alleged to have purchased a pump-set costing Rs.1,000 without prior permission from the appropriate authorities. His challenge to the dismissal was rejected by the High Court on the judicial side. Hence, the appeal.

Dismissing the appeal, but modifying the quantum of punishment, this Court,

HELD: 1.1 It is of paramount importance that judicial officers must act above board and keep the channel of justice clean. Confidence of the litigating parties in Judicial system is the very foundation of the system and nothing should be done which would affect that. [5C]

1.2 Fixation of valuation is a judicial act. Even if the assessment of valuation is modified or affirmed in appeal as a part of the judicial process, the conduct of the judicial officer drawable from an overall picture of the matter would yet be available to be looked into. In appropriate cases it may be open to draw inferences even from judicial acts. [3F]

1.3 On a consideration of the materials on record, there is some scope for accepting the appellant's stand that there was some mistake in

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fixing the valuation but no ill motive. He is, therefore, entitled to benefit of doubt. However, it cannot be said

that he had acted innocently in writing letters for enforcing of the awards. Similarly, he had acted indiscreetly in allowing the order-sheets got printed by a particular Advocate to be used. Since the appellant possessed 43 acres of agricultural lands, no serious view need be taken of the purchase of pump-set without prior permission. [3G-H, 4C, E, F-G]

1.4 Ordinarily, justification of the quantum of punishment imposed in a disciplinary action is not for the court to decide and there have been occasions when this Court has taken interference by the High Courts on quantum of punishment as an act in excess of jurisdiction. But keeping the residue of the charges in view, the dismissal of the appellant from service was out of proportion and compulsory retirement would meet the ends of justice. Accordingly, the appellant shall be taken to have been compulsorily retired from service from the date his dismissal became operative. [4H, 5A-B]

JUDGMENT: