

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 11397 OF 2018  
[@ SPECIAL LEAVE PETITION (C) NO. 31218 OF 2018]  
[DIARY NO. 38935 OF 2018]

PARITOSH KUMAR

Appellant(s)

VERSUS

THE STATE OF JHARKHAND & ANR.

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Delay condoned.
2. Leave granted.
3. Disciplinary proceedings were initiated against the appellant on 19.08.1995 leading to the following punishment :-

*"1. Penalty of "censure, the entry whereof will be made in his ACR of the year 1994-95.*

*2. Stoppage of 3 annual increments with accumulative effect.*

*3. Recovery of the balance amount after deducting the amount already recovered from Sh. Kumar out of Rs.64,000/-, will be made at the rate of Rs. 500/- per month.*

*4. Nothing will be payable to him of the period of suspension except maintenance allowance."*

4. The penalty proposed in the order dated 30.05.2007 has been found to be harsh by the High Court in the order dated 15.07.2016 in Writ Petition (S) No. 784 of 2008. The High Court held as under :-

*".....*

*(iv) Considering the charges proved, the punishment awarded appears to be harsh and shockingly disproportionate being violative of Articles 14, 16, 19 and 21 of the Constitution of India.*

*X X X X X X*

*7. On cumulative effect of the facts, reasons and judicial pronouncements, the impugned order dated 30.05.2007 (Annexure-11/A to the writ application) issued by the Deputy Secretary, Water Resources Department, Government of Jharkhand (Respondent No.5) being not legally sustainable, is hereby quashed. The Deputy Secretary, Water Resources Department, Government of Jharkhand (Respondent No. 5) is directed to pass appropriate order on the quantum of punishment within reasonable period, preferably within a period of eight weeks from the date of receipt/Communication of order."*

5. Thus, the Deputy Secretary, Water Resources Department, was directed to pass appropriate orders only *".....on the quantum of punishment within reasonable period"*.

6. Therefore, it is clear that the High Court did not permit reopening of the proceedings. The limited liberty granted to the competent authority was only to take a fresh decision on the quantum of punishment, since the punishment already proposed on 30.05.2007 was harsh.

7. We direct the authority concerned to act accordingly, since there is no liberty for fresh disciplinary proceedings.

8. In view of the above, the appeal is disposed of.

9. Pending interlocutory application(s), if any, is/are disposed of.

.....J.  
[ KURIAN JOSEPH ]

.....J.  
[ HEMANT GUPTA ]

New Delhi;  
November 19, 2018.