
(2009) 03 GAU CK 0058
In the Gauhati High Court

Ajit Kumar Deb

APPELLANT

Vs

State of Arunachal Pradesh and Others

RESPONDENT

Date of Decision : 25-03-2009

Acts Referred:

Arunachal Pradesh Police (Discipline and Appeal) Rules, 1999 — Rule 3
Constitution of India, 1950 — Article 20(2), 226
General Financial Rules, 1963 — Rule 66

Citation : (2009) 5 GLR 233 : (2009) 3 GLT 245

Hon'ble Judges : P.K. Musahary, J;I.A. Ansari, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

P.K. Musahary, J.—This writ appeal is presented against the judgment and order dated 16.6.2005 passed by the learned Single Judge in WP(C) 275 (AP)/2004 at Itanagar Bench of this Court.

2. The material facts, for the purpose of disposal of this appeal, are as follows:

The appellant was appointed as constable in civil police and he was promoted to the post of Sub-Inspector of Police, Arunachal Pradesh. At the relevant time, he was posted at 2nd Bn. Arunachal Pradesh Police, Itanagar and he was entrusted with duties of Cashier in addition to his normal duties of maintaining law and order. By an order dated 1.8.1994, the appellant was placed under suspension by the Commandant, 2nd Bn. BHQ in contemplation of departmental enquiry. However, the said enquiry was not proceeded with and the same was cancelled by an order dated 26.3.1997 as it was not in conformity with the provisions of Central Civil Services (Classification, Control and Appeal) Rules, 1965 ("the Rules"). The authority issued fresh memorandum of charges containing seven articles of charges vide order dated 26.3.1997. The appellant submitted his written statement of defence. The respondent authorities, not being satisfied with the same decided to conduct enquiry by appointing an inquiry Officer. The enquiry was held and the Inquiry Officer found charges-I, II, III, IV and VI being

proved against the appellant and submitted his report on 25.1.2002. The disciplinary authority forwarded the copies of the enquiry report to the appellant. The appellant submitted representation before the Deputy Inspector General of Police, PHQ, Itanagar in February, 2002 alleging that enquiry was improper and not in conformity with the provision of the rules as he was not afforded with reasonable opportunity to defend his case. The disciplinary authority issued a show-cause notice dated 12.9.2002 upon the appellant proposing to award him punishment of dismissal from service. The appellant submitted his reply to the aforesaid show-cause notice but the respondent authorities, particularly, the respondent No. 3, Deputy Inspector General of Police, HQ, Itanagar being satisfied with the same, imposed penalty of compulsory retirement treating the period of suspension of the appellant with effect from 1.8.1994 to 17.10.1995 as not spent on duty. The appellant was verbally told that the order passed was final and there was no scope for preferring appeal against the same. Since the appellant was denied the opportunity of preferring appeal against the order of the disciplinary authority, he preferred a writ petition being WP(C) No. 30(AP)/2003, which was disposed of by this Court vide order dated 27.1.2003 with a direction that the appellant should be given all legal opportunities for preferring appeal before the appropriate authority. The State respondents, being aggrieved by the aforesaid order, preferred an appeal being WA 50 of 2003 which was disposed of by an order dated 21.2.2003 holding that the appeal provided for by a statute is a right conferred by law.

3. The appellant authority instead of considering the departmental appeal on merit remitted the matter to the disciplinary authority vide order dated 14.3.2003 to review its order and to pass a fresh order in conformity with Rule 3 of the Arunachal Pradesh Police (Discipline and Appeal) Rules, 1999. Such order was passed by the appellate authority as he found that the penalty of compulsory retirement imposed on the appellant does not find mention in the penalty specified in Rule 3 of the aforesaid Rules of 1999. The appellant filed a representation dated 17.3.2007 before the respondent No. 2, Director General of Police (appellate authority) for setting aside the punishment order contending that the disciplinary authority cannot revise its own order. However, in view of the direction of the appellate authority, the appellant was directed to report for duty at PHQ. The appellant accordingly resumed his duties on 1.4.2003. Thereafter, the disciplinary authority served show-cause notice, dated 29.5.2003 upon the appellant proposing the penalty of dismissal from service. The disciplinary authority by an order dated 18.8.2003 confirmed the proposed penalty of dismissal from service with immediate effect with further stipulation that the period of suspension with effect from 1.8.1994 to 17.10.1995 be treated as not spent on duty for all intent and purposes". Being highly aggrieved by the aforesaid order dated 18.8.2003 the appellant preferred an appeal before the appellate authority, namely, the Director General of Police, HQ. The appellate authority also rejected the aforesaid appeal vide order dated 26.3.2004 confirming the penalty of dismissal from service. Ultimately the appellant filed a

writ petition being WP(C) No, 275(AP)/2004 for setting aside the impugned order dated 18.8.2003 issued by the disciplinary authority and order dated 26.3.2004 issued by the appellate authority. The learned Single Judge by the impugned judgment and order dated 16.6.2005 dismissed the said writ petition. The appellant is now before us with the present appeal against the impugned judgment and order dated 16.6.2005 passed by the learned Single Judge in WP(C) No. 275(AP)/2004.

4. We have heard Mr. P.K. Tiwari, learned Counsel for the appellant and also heard Ms. G. Deka, learned Additional Senior Govt. Advocate, appearing for the State respondents.

5. According to Mr. Tiwari, the matter involves the following issues:

(i) Whether the dismissal order passed by the disciplinary authority is legal and valid?

(ii) Whether proper enquiry has been made by the enquiry officer?

(iii) Whether the proceedings of the enquiry have been concluded according to the rules and is there any violation of rules?

(iv) Whether the enquiry report is legal and valid?

(v) Whether the findings arrived at by the enquiry officer are perverse?

(vi) Whether there is violation of natural justice in conducting the enquiry proceedings?

(vii) Whether the appellate authority has applied his mind in disposing the statutory appeal of the appellant?

(viii) Whether the punishment is commensurate with the gravity of the alleged misconduct?

6. It has been urged upon by Mr. Tiwari, learned Counsel for the appellant that the learned Single Judge, without going through the enquiry report and evidence taken during departmental proceedings, came to a conclusion that the appellate authority duly considered the departmental appeal and passed a speaking order considering all pros and cons of the matter and refused to interfere with the impugned orders passed by the disciplinary authority and the appellate authority aforesaid on wrong interpretation of law that the power of the writ court for interference with any decision in departmental proceedings is very limited and it limits to the extent of consideration of violation of the principle of natural justice and provisions of statutory law. Mr. Tiwari, learned Counsel for the appellant urges upon this Court to appreciate the evidence on record to establish his submission that there is no material to prove the charges against him. He referred to charges found to be proved by the Inquiry Officer. The charge No. I is that while functioning as Cashier under 2nd APP Bn Itanagar, the appellant had drawn Rs. 39,116 twice vide Bill Nos. 6/93 and 22/93 pertaining to pay and

allowances of GD-IV staff of BHQ, Itanagar i.e., an excess amount of Rs. 39,116 and after keeping the same with him for a long period i.e., from September 1993 to June 1994, deposited the same in the Bank vide T.V. No. 3005 dated 28.6.1994. In this regard, Mr. Tiwari, learned Counsel for the appellant referred to the evidence of Mr. P. Gogoi to show that both the bills were prepared by Mr. P. Gogoi of Accounts Branch and were signed by the DDO, Shri P.S. Rathore and both the bills were presented on the same day, i.e., 21.9.1993. In his evidence, we have seen that the witness P. Gogoi specifically stated that "I prepared the pay bill Nos. 6 and 22 only once in Acquaintance Roll since S.J. A K. Deb told me that Bill No. 6 is missing. I prepared duplicate bill for this and entered new Bill No. 22 in Bill Entry Register".

This witness was cross-examined by the appellant but he did not make any attempt to demolish the aforesaid evidence of Mr. P. Gogoi. It remains as an undisputed fact that the appellant himself got two bills prepared through Mr. P. Gogoi. The extra drawal amount of Rs. 39,116 as per evidence of Mr. Gogoi, was deposited by the appellant to the Treasury/Bank only on 28.6.1994 after keeping it for a period of about 9 months. The charge No. II is that the appellant while functioning as Cashier had drawn an amount of Rs. 15,926 twice vide Bill Nos. 186/93 and 198/93 pertaining to ad hoc Bonus for Group "C" and "D" staff of "C" Coy, Pasighat, i.e., an excess amount of Rs. 15,926 and he failed to account the money entrusted to him. Mr. Tiwari advanced similar submission that both the bills were prepared by other bill clerks and signed by the DDO, P.S. Rathore sanctioning the drawal of the amount. He submits that since the DDO is the custodian of money, the amount cannot be deposited without the signature of the DDO and his sanction. As per the evidence of witness, Mr. P. Gogoi, the "Constable S. Zamal prepared the Bill Nos. 184 and 198 and Bill No. 486,210 was prepared by the appellant himself and the bills for special compensatory pay are prepared only on receipt of sanction order from the Establishment Branch". The charge No. III is that while functioning as Cashier, the appellant had drawn special pay for different companies vide Bill Nos. 281, 282, 283 and 284 dated 28.12.1993. He again had drawn an amount of Rs. 22,337 vide Bill No. 486 dated Nil pertaining to special pay which was already drawn for those 12 Constables, who were going for Commando Training at Maneshwer and failed to account for money entrusted to him. According to Mr. Tiwari, Bill No. 486 was signed by the DDO and the money cannot be drawn without the signature of DDO and his sanction. The procedures are laid down and explained in Rule 66 of the General Financial Rules (GFR), 1963 which are required to be followed by the DDO as the custodian of the money. Charge No IV is that while functioning as Cashier, the appellant presented Bill No. 210 dated Nil being the special compensatory pay for group "D" staff of Bn. HQ for an amount of Rs. 47,778 knowing it very well that group "D" staff are not entitled to special compensatory pay and he failed to account for the money entrusted to him. In this regard, it is submitted by Mr. Tiwari that the DDO as sanctioning authority signed the Bill No. 210 and the money cannot be deposited without the clearance and signature of

the DDO. According to him, the disciplinary authority adduced no evidence showing that the appellant had knowledge that the group "D" are not entitled to special compensatory pay. Charge No VI is that the appellant while functioning as Cashier had drawn the pay of Const. K. Bagra for the month of May, '94 for an amount of Rs. 2,406 but the payment made to Const. K. Bagra, as per "A" Roll, was only Rs. 1,406 and the payment was shown as Rs. 2,406 in Cash Book. In this regard, it is submitted by Mr. Tiwari that the said Const. K. Bagra did not inform about such less payment but intimated only the Cashier of his company, i.e., F company at Naharlagun. He has referred to the evidence of Mr. K. Bagra recorded by the Inquiry Officer on 23.4.1998. While making the aforesaid submission, Mr. Tiwari, learned Counsel for the appellant tried to impress upon us that the appellant, although functioning as Cashier; there are no official order allowing him to work as Cashier rather he was compelled to work on the verbal instruction of the DDO and the alleged omission and commission committed by him while performing the job of a Cashier cannot be treated as misconduct on the part of the appellant as he is a layman and has no knowledge about the accountancy and training in the said trait. It has been emphasized that since the Bills were prepared by the billing Assistants and thereafter the same were placed before the DDO for verification and signature, which in fact, were passed by the DDO, the Bills became absolute and it cannot be said that the Bills are false and/or duplicate ones.

7. Apart from the aforesaid submissions, Mr. Tiwari, learned Counsel for the appellant urges upon us to examine whether the Enquiry Officer afforded full opportunity to the appellant to defend himself during the disciplinary proceedings and also whether there is any violation of principle of natural justice and as to whether the appellate authority acted in excess of his jurisdiction in directing the disciplinary authority to enhance the penalty of compulsory retirement to dismissal from service and also whether the quantum of punishment is disproportionate to the alleged misconduct. We have also been urged upon by the learned Counsel for the appellant to interfere and set aside the impugned judgment and order dated 16.6.2005 passed by the learned Single Judge inasmuch as the learned Single Judge has misinterpreted and misconstrued the ratio in *Lalit Popli Vs. Canara Bank and Others*, .

8. Ms. G. Deka, learned Addl. Senior Govt. Advocate has produced the relevant records relating to the disciplinary proceedings. It is submitted by Ms. Deka that the departmental proceedings were conducted as per the provision of the relevant rules and procedures and also in strict compliance to principle of natural justice. Supporting the decision taken by the disciplinary authority and also the appellate authority in awarding the punishment of dismissal from service, Ms. Deka submits that there is no ground for interference with the same and the learned Single Judge has rightly dismissed the writ petition filed by the appellant, which warrants no interference by this Court.

9. We have perused the impugned judgment and order dated 16.6.2005 passed

by the learned Single Judge in WP(C) No. 275(AP)/2004. The learned Single Judge, in Para 8 of the judgment, has observed that the disciplinary proceeding against the petitioner was conducted by providing all opportunities to him and the materials available on record disclose that there is no violation of any principle of natural justice. The learned Single Judge also came to a conclusion that the inquiry Officer properly appreciated the evidence and materials on record and there is no lacuna in the proceeding and in fact, there is no error in the decision making process. In Para 9 of the said judgment, it is observed that the power of a writ court for interference with any decision in the departmental proceeding is very limited and it limits to the extent of consideration of the violation of principle of natural justice and the provisions of statutory law. According to the learned Single Judge, no such violation of natural justice has been brought to the notice of the court and the appellant failed to make out a case for interference by the writ court. In other words, the learned Single Judge refused to exercise the judicial review inasmuch as no violation of principle of natural justice has been made out by the appellant.

10. We are not prepared to accept the submissions of the learned Counsel for the appellant that the learned Single Judge misinterpreted and misconstrued the ratio in *Lalit Popli (supra)*. The law has been settled in regard to the ground of judicial review in exercise of powers under Article 226 of the Constitution of India by the High Courts. The Apex Court in the *State of Andhra Pradesh Vs. Sree Rama Rao*, held that the High Court is not constituted in a proceeding under Article 226 of the Constitution, a court of appeal over the decision of the authorities holding a departmental enquiry against a public servant; it is concerned to determine whether the enquiry is held by an authority competent in that behalf, and according to the procedure prescribed in that behalf, and whether the rules of natural justice are not violated". It was similarly held in *B.C. Chaturvedi Vs. Union of India and others*, that "judicial review is not an appeal from a decision but a review of the manner in which the decision is made and the power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eye of the court". The Apex Court restated the grounds of judicial review in a number of cases including the High Court of judicature at *Bombay v. Shashikant S. Patil (2001) 1 SCC 416*. From the aforesaid cases, one may come to a conclusion that the judicial review can be exercised by the High Court in the following cases:

- (i) where there has been a violation of the principles of natural justice; or
- (ii) the proceedings have been held in violation of statutory regulations prescribing the mode of such enquiry; or
- (iii) the decision is vitiated by considerations extraneous to the evidence and merits of the case; or
- (iv) if the conclusion made by the authority is *ex facie* arbitrary or capricious that

no reasonable person could have arrived at such conclusion.

11. Let us first examine whether the principles of natural justice have been violated in any manner in the present case. From the pleadings of the appellant, it is found that he was served with show-cause notice and articles of charges, he was given opportunity to reply to the show cause, production of witnesses, opportunity of cross-examination, report of the Inquiry Officer, show-cause notice on proposed penalty, representation before the disciplinary authority and also appeal to the appellate authority. We are satisfied that the disciplinary authority, while conducting the enquiry observed the minimum principle of natural justice. There is no serious allegations that the enquiry proceedings in the instant case were held in violation of the statutory regulations namely, the CCS (CCA) Rules, 1965 and APP (D&A) Rules, 1999. We find that the appellant made no specific allegation regarding violation of a particular provision of the aforesaid rules and as such, we do not like to concentrate our attention to this point. We now come to the point whether the decision taken by the disciplinary authority and the appellate authority in dismissing the appellant from service is vitiated by consideration extraneous to the evidence on records and merit of the case. We have got the relevant records produced by the learned Addl. Senior Govt. Advocate. On perusing the same, we found that the disciplinary authority produced several witnesses including the Commandant of the Battalion, Shri P.S. Rathore. The appellant cross-examined all the witnesses produced by the department during enquiry proceeding. There is no pleading to the effect that the disciplinary authority took the decision on the basis of no evidence on record or mis-appreciation of any evidence on record or influenced by any extraneous consideration vitiating the decision. It may not be out of place to refer again to the case of S. Sree Rama Rao (supra) in which, it is held that "where there is some evidence, which the authority entrusted with the duty to hold the enquiry has accepted and which evidence may reasonably support the conclusion that the delinquent officer is guilty of the charge, it is not the function of the High Court in a petition for a writ under Article 226 to review the evidence and to arrive at an independent finding on the evidence". It is further held that "if the enquiry is otherwise properly held, the sole judges of facts and if there be some legal evidence on which their findings can be based, the adequacy or reliability of that evidence is not a matter which can be permitted to be canvassed before the High Court in a proceeding for a writ under Article 226 of the Constitution". As such, we fail to persuade ourselves to review the evidence on record to find fault in the decision taken by the disciplinary authority. In the case of B.C. Chaturvedi (supra), the Apex Court restated the aforesaid principle of law in the following words:

12. ...The court/Tribunal in its power of judicial review does not act as appellate authority to re-appreciate the evidence and to arrive at its own independent findings on the evidence. The court/tribunal may interfere where the authority held the proceedings against the delinquent officer in a manner inconsistent with the rules of natural justice or in violation of statutory rules prescribing the mode

of inquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached, the court/Tribunal may interfere with the conclusion or the finding, and mould the relief so as to make it appropriate to the facts of each case.

12. Now the question is whether in the present case, the conclusion arrived at by the disciplinary authority is ex-facie arbitrary or capricious that no reasonable person could have arrived at such conclusion. Before considering this aspect we would like to refer to the show cause reply/written defence statement submitted by the appellant addressed to the Deputy Inspector General of Police (W), Government of Arunachal Pradesh, Itanagar. In the said written defence statement, the appellant simply made general denial to the articles of charges without giving any explanation or causes on every charge brought against him. It is apposite to quote the same:

To

The Deputy Inspector General of Police (W), Govt. of Arunachal Pradesh, Itanagar

Sub: WRITTEN DEFENCE STATEMENT.

Sir,

I have the honour to state the following few lines for your kind consideration and favourable action please. That Sir, a departmental inquiry is initiated against me for the alleged charges of embezzlement of Govt. money while I was functioning as Cashier-cum-Accountant in 2nd APP Bn.

In this regard I am to state that I vehemently deny the charges leveled against me as because I have not done any act of misconduct, which warrants departmental action.

Further, I am to state that I was merely functioning as cashier-cum-accountant as per the direction of my superior officers. I am not trained in account matter, in spite of that I was discharging my duties with utmost satisfaction of my seniors.

If I have done any act which was solely on the direction of my superior officers and DDO. If any discrepancies is found the responsibility may be fixed to appropriate person who is having power to exercise draw of Govt. money.

Over and above, a criminal case is also registered against me and the hon''ble High Court after going through the case, records pleased to grant me anticipatory bail. The copy of anticipatory bail order is annexed as Annexure "A" which may kindly be perused. Again for identical alleged charges, a departmental inquiry also reinitiated against me and thereby violating the provision of Article 20(2) of the Constitution of India. I should not be subjected to violation of natural justice.

Therefore, I request that justice may be imparted to me and the departmental

inquiry initiated against me may be quashed On humanitarian ground.

I may also be heard in person to justify my grievances for this act kindness, I shall ever bow to your good self.

Yours faithfully,

Sd/- Ajit Kr. Deb Sub Inspector, PHQ, Itanagar.

Further let us see what submissions were made by the appellant before the Inquiry Officer in his defence statement. The same is quoted below for proper appreciation of the stand taken by the appellant.

Defence statement of S.I. A.K. Deb reg. DE against him.

Regarding article of charge-I, the bill No. 6 was misplaced since lot of bills are sent to treasury. Hence I told LNK P. Gogoi to prepare the bill again as duplicate bill but LNK P Gogoi gave separate serial No. 22 to the duplicate bill for which double amounts were drawn. Both amounts were sent to Tezu. After one amount was returned back, same was deposited to Treasury. Hence, I deny this charge.

Regarding article of charge-II, Bills are generally prepared by bill clerks who are generally Constables and, Head Constables of Bn, get them signed by the clerks from DDO and then they were handed over to me for making entry in Treasury bill register for drawal and payment. Hence, after drawal of the amount of the bill Nos. 186 and 198, they were sent to Pasighat C-Coy for disbursement. The official correspondences in this regard were available in the office but during audit, I was not called to meet up the quarries of audit. Hence I deny the charge.

Regarding article of charge-III, Bills are prepared as described above and Bill No. 486 was drawn only after it was handed over to me by Bill Clerk.

Regarding article of Charge No. IV, special pay was drawn after receiving sanction order from Commandant 2nd Bn. from Estt. Branch. Accts Branch only draws the amount on receiving sanction. The amount of Rs. 47,778 was actually...and disbursed.

Regarding article of Charge No. V, I was.... I paid Rs. 3,644 to.... Out of this I kept Rs. 1000 as repayment of loan he took from me. But by mistake, payment of Rs. 2644 only was shown in the paid up A/Roll. Hence I did not make any misappropriation.

Regarding article of Charge-VI, I sent Rs. 2,406 only to F-Coy Naharlagun as pay of Ct. K. Bagra. The F-Coy Naharlagun might have paid him less for which I am not responsible.

Regarding article of Charge-VII, I might have done some overwriting to rectify defects and not with ulterior motive, since I was not trained in Accounts matter.

This much I want to say regarding the Charges.

13. It may be noted that the appellant, as regard the charge No. I, admitted by implication that double amounts were drawn but the same, to the tune of Rs. 39,116, was drawn and both the amounts were sent to Tezu and after one amount it was returned back and then only it was deposited to the Treasury/ Bank. But he offered no explanation why he kept the aforesaid amount with him for a long period of time from September 1993 to June 1994. Similarly, as regard the charge No. II, which is also related to double drawal of an amount of Rs. 15,926, the appellant has assigned no reason why he failed to account the money entrusted to him. The appellant has not come forward with cogent explanation in regard to the charge Nos. III, IV and VI. Taking into consideration, the written statement of defence submitted before the disciplinary authority and the defence statement of the appellant as recorded by the Inquiry Officer and also the evidence adduced by the witnesses of the department during the enquiry proceeding, in our considered opinion, there is no scope for taking a view that the findings recorded were based either on no evidence or that the findings were wholly perverse and/or legally untenable.

14. The Apex Court in Apparel Export Promotion Council Vs. A.K. Chopra, reiterated the position of law that the High Court normally should not interfere unless the findings are based on no evidence or were wholly perverse and/or legally untenable inasmuch as the High Court cannot function as an appellate authority and substitute its own conclusion as to the guilt of the delinquent. It is also held that the question of adequacy of evidence is outside its purview or is not concerned with the correctness of the findings of fact on the basis of which the orders are made so long as those findings are reasonably supported by evidence and have been arrived at through proceedings which cannot be faulted-with for procedural illegalities or irregularities which vitiate the process by which the decision was arrived at. In the said case it is reiterated that the judicial review is directed not against the decision, but is confined to the examination of the decision making process.

15. As regard the scope of judicial review on the question of proportionality of punishment, less said is better. In the writ petition, no grievance was made that the punishment imposed on the appellant is disproportionate to the charges alleged against him but a ground has been taken in the present appeal that the learned Single Judge failed to consider that the punishment imposed is disproportionate to the alleged misconduct and as such, the impugned judgment and order dated 16.6.2005 is not sustainable and liable to be quashed. But for the ground taken in this regard in the present appeal we would not have dealt with this question. We are very much clear that the scope of judicial review to test the proportionality of punishment is very limited and restricted to exceptional cases and in case, a court is inclined to hold that the punishment imposed is commensurate with the charges, it has to give reason for holding so.

We have no difficulty in the present case to give our reasons. The appellant being a responsible policeman in uniform and being entrusted with the duties of a cashier has been dealing with public money and was engaged in financial transaction and he was required to maintain highest degree of integrity and trustworthiness in discharging of his duties. The appellant was definitely holding a position of trust, honesty and integrity, which are in built requirement of functioning. There are at least some evidence on records to show that the appellant was involved in irregular manner of transaction of public money by way of double drawal, keeping of public money in his possession for a certain period without informing the DDO, short payment to some Policemen etc. which are enough for not taking any lenient view for the appellant. Moreover, the policemen, in the eye of the public, are protectors of law and when a policeman in such position is found committing such misconduct, the disciplinary authority is to deal with such erring policemen with iron hands. The Apex Court while dealing with a case of misconduct of a police constable who was found abetting criminals, upheld the punishment of removal from service awarded by the Administrative Tribunal and came down heavily on the lenient view taken by the High Court that the respondent delinquent constable had unblemished record of 28 years. We are referring to the case of The Commissioner of Police and Others Vs. Syed Hussain, wherein the Apex Court held that "punishment of removal from service imposed on Constable for having betrayed public trust by aiding criminals to obtain and jump bail, could not be held to be wholly disproportionate and was thus not violative of the doctrine of proportionality". In another case, namely, Regional Manager, U.P.S.R.T.C., Etawah and Others Vs. Hoti Lal and Another, , the Apex Court held that if the charged employee holds a position of trust, where honesty and integrity are in built requirements of functioning, the matter should be dealt with iron hands and not leniently. In view of this position, we are not in a position to make an effort to interfere with the punishment awarded by the disciplinary authority in exercise the powers of judicial review.

16. Because of what have been discussed and pointed out above, we do not find any merit in this appeal. This appeal, therefore, fails and the same shall accordingly stand dismissed.

17. No order as to costs.

18. Let the records of the disciplinary proceeding be returned.