

**(2007) 12 AHC CK 0035**  
**In the Allahabad High Court**

Hukum Chand

APPELLANT

Vs

The State Service Tribunal and Others

RESPONDENT

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**Date of Decision :** 06-12-2007

**Acts Referred:**

Constitution of India, 1950 — Article 226

**Citation :** (2008) 2 UPLBEC 1066

**Hon'ble Judges :** S.P. Mehrotra, J;R.K. Agrawal, J

**Bench :** Division Bench

**Final Decision :** Dismissed

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## Judgement

R.K. Agrawal and S.P. Mehrotra, JJ.—The present Writ Petition has been filed by the petitioner under Article 226 of the Constitution of India, inter alia, praying for issuance of writ, order or direction in the nature of certiorari quashing the order dated 6.10.1999 (Annexure-6 to the Writ Petition), the order dated 16.5.1999 (Annexure-8 to the Writ Petition), the order dated 3.10.2003 (Annexure-11 to the Writ Petition) and the order dated 4.8.2004 (Annexure-13 to the Writ Petition), and further, for issuance of writ, order or direction in the nature of mandamus directing the respondents to reinstate the petitioner in service with all consequential benefits to which he is entitled.

2. As per the averments made in the Writ Petition, the petitioner was appointed on the post of Palledar (Class-IV) by the Assistant Commissioner Shasakiya/ respondent No. 3; and that the post of Palledar is now re-designated as "Sewak"; and that the petitioner was confirmed on the said post by the Competent Authority.

3. By the order dated 21.9.1998, the petitioner was placed under suspension by the respondent No. 5. Disciplinary proceedings were initiated against the petitioner, and a charge-sheet dated 18.3.1999 was served on him. Copy of the said charge-sheet has been filed as Annexure-1 to the Writ Petition.

4. A perusal of the said charge-sheet shows that Charge No. 1 against the

petitioner was regarding assaulting R.S. Gangwar, Assistant Commissioner (Vi.Anu.Sha.), Dwitiya Ikai, NOIDA with fist on 18.9.1998 thereby causing injury in the hand of the said R.S. Gangwar.

Charge No. 2 was regarding tampering with the attendance register when the petitioner came late or was absent.

Charge No. 3 was regarding the petitioner being habitual of such misconduct and indiscipline . Reference was made to the order dated 12.3.1985 whereby the petitioner was given "Censure" entry and his two annual increments were stopped with cumulative effect condemning his work and conduct.

Charge No. 4 was regarding the acts of the petitioner in getting Form No. 31 passed in wrongful manner during the year 1992-93 when he was posted at Check Post, Mohan Nagar, which resulted in stoppage of three increments of the petitioner with cumulative effect. The petitioner was accordingly charged for being habitually indisciplined and doing wrongful acts.

5. After giving opportunity to the petitioner, the Inquiry Officer submitted his Inquiry Report dated 13.9.1999.

It may be mentioned that during the course of hearing of the present, writ Petition, learned Standing Counsel produced the original record regarding the enquiry against the petitioner.

6. We have perused the Inquiry Report available on the said record produced by the learned Standing Counsel.

A perusal of the Inquiry Report shows that the Inquiry Officer in the said Report, interalia, concluded that as per the own admission of the petitioner, he had altercation with the said R.S. Gangwar on 18.9.1998. The Inquiry Officer further noted that the said R.S. Gangwar lodged First Information Report against the petitioner on 18.9.1998, and got himself medically examined also. Copies of the First Information Report as well as the medical examination report were produced before the Inquiry Officer.

7. The Inquiry Officer further noted the past conduct of the petitioner as indicated in various charges mentioned in the charge-sheet and concluded that the behaviour of the petitioner was not normal and he was quarrelsome by nature. The conduct of the petitioner (Sewak) was not such as could be expected of any Class-IV employee, and it was absolutely necessary that the petitioner be punished for his conduct.

8. The Inquiry Officer suggested punishment of stoppage of three increments with cumulative effect.

The Disciplinary Authority [respondent No. 5-Assistant Commissioner (Admin.), Trade Tax, NOIDA] on a detailed consideration of the Inquiry Report awarded punishment of dismissal from service to the petitioner by the order dated 6.10.1999. Copy of the said order dated 6.10.1999 has been filed as Annexure-6

to the Writ Petition.

9. It further appears from the averments made in paragraph 17 of the Writ Petition that the petitioner made an application praying for supply of copy of the Inquiry Report before the respondent No. 5. However, the respondent No. 5 by the letter dated 29.11.1999 (Annexure-7 to the Writ Petition) declined to supply copy of the Inquiry Report to the petitioner.

10. It further appears that the petitioner filed an Appeal/Representation against the said order dated 6.10.1999 whereby he had been dismissed from service.

The respondent No. 4 - Deputy Commissioner (Karmik), Trade Tax, NOIDA Sambhag, NOIDA by his order dated 16.5.2000 rejected the said Appeal/Representation filed by the petitioner.

Copy of the said order dated 16.5.2000 has been filed as Annexure-8 to the Writ Petition.

11. Thereafter, the petitioner filed a Claim Petition before the U.P. State Public Services Tribunal, Lucknow (hereinafter also referred to as "the Tribunal"). The said Claim Petition was numbered as Claim Petition No. 843 of 2000.

By the judgment and order dated 3.10.2003, the Tribunal dismissed the said Claim Petition filed by the petitioner. Copy of the said judgment and order dated 3.10.2003 has been filed as Annexure-11 to the Writ Petition.

12. Thereupon, the petitioner filed a Review Petition before the Tribunal. By the order dated 4.8.2004, the said Review Petition was dismissed by the Tribunal. Copy of the said order dated 4.8.2004 has been filed as Annexure-13 to the Writ Petition.

Thereafter, the petitioner has filed the present Writ Petition seeking the aforesaid reliefs.

13. We have heard Shri Veer Singh, learned Counsel for the petitioner and the learned Standing Counsel appearing for the respondents, and perused the record.

14. Shri veer Singh, learned Counsel for the petitioner has made the following submissions:

1. In the present case, the Inquiry Officer and the Disciplinary Authority were different and, therefore, after submission of the Inquiry Report, the Disciplinary Authority was required to supply copy of the Inquiry Report to the petitioner. However, copy of the Inquiry Report was not supplied to the petitioner, and, therefore, the order dismissing the petitioner from service was vitiated. Reliance has been placed on the decision of the Supreme Court in Managing Director, ECIL, Hyderabad, Vs. Karunakar, etc. etc.,

2. The Disciplinary Authority took past conduct of the petitioner into account while imposing punishment. This could not be done by the Disciplinary Authority.

3. A perusal of the Inquiry Report shows that the Inquiry Officer recorded finding that the petitioner had an altercation with R.S. Gangwar in whose Office the petitioner was posted. However, the Inquiry Officer did not find the charge of hitting of R.S. Gangwar by the petitioner as proved. In the circumstances, the Inquiry Officer recommended for imposing punishment of stoppage of three increments only. However, the Disciplinary Authority imposed the punishment, of dismissal from service which was too harsh.

15. In reply, the learned Standing Counsel appearing on behalf of the respondents has made the following submissions:

1. No prejudice has been shown by the petitioner on account of non-supply of the copy of the Inquiry Report by the Disciplinary Authority. Copy of the Inquiry Report was placed before the Tribunal as Annexure R-7. The petitioner made his submissions against the findings recorded by the Inquiry Officer before the Tribunal, and the Tribunal rejected the said submissions after due consideration. In the circumstances, the order of dismissal of the petitioner from service is not vitiated.

2. The past conduct of the petitioner could be considered by the Disciplinary Authority in order to take appropriate decision as regards the quantum of punishment keeping in view the totality of the facts and circumstances of the case.

3. It was not incumbent on the Disciplinary Authority to accept the recommendation of the Inquiry Officer as regards punishment. The Disciplinary Authority on a consideration of the entire facts and circumstances imposed punishment of dismissal from service, and the same was not harsh keeping in view the facts and circumstances of the present case.

4. No show-cause notice was required to be given to the petitioner by the Disciplinary Authority in regard to the quantum of the proposed punishment.

16. We have considered the submissions made by the learned Counsel for the parties.

Let us take-up the first submission made by the learned Counsel for the petitioner regarding non-supply of copy of the Inquiry Report.

17. It is evident from a perusal of the letter dated 29.11.1999 (Annexure-7 to the Writ Petition) that copy of the Inquiry Report was not supplied to the petitioner. However, it is further evident from a perusal of paragraph 6 of the judgment and order dated 3.10.2003 passed by the Tribunal (Annexure-11 to the Writ Petition) that copy of the Inquiry Report was filed before the Tribunal at the time of hearing, and the same was Annexure-R-7.

18. It is further evident from a perusal of paragraph 10 of the said judgment and order dated 3.10.2003 passed by the Tribunal that the learned Counsel for the petitioner before the Tribunal referred to the Inquiry Report and made his

submissions assailing the findings recorded by the Inquiry Officer. The said submissions made by the learned Counsel for the petitioner were rejected by the Tribunal after due consideration.

19. In paragraph 11 of the said judgment and order, the Tribunal has noted that the procedure prescribed by the Rules was followed in the enquiry and the petitioner was given ample opportunity to defend himself.

20. In order to appreciate the submission made by the learned Counsel for the petitioner regarding non-supply of copy of the Inquiry Report, it is relevant to refer to the decision of the Supreme Court in Managing Director, ECIL, Hyderabad, Vs. Karunakar, etc. etc., . In the said decision, their Lordships of the Supreme Court held as under (paragraph 7 of the said AIR):

7. ...Since the Government of India Act, 1935 till the 42nd Amendment of the Constitution, the Government servant had always the right to receive report of the Inquiry Officer/authority and to represent against the findings recorded in it when the Inquiry Officer/authority was not the disciplinary authority. This right was however, exercisable by him at the second stage of the disciplinary proceedings viz., when he was served with a notice to show cause against the proposed penalty. The issuance of the notice to show cause against the penalty necessarily required the furnishing of a copy of the inquiry Officer's report since, as held by the Courts, the right to show cause against the penalty also implied the right to represent against the findings on the charges. This was considered to be an essential part of the reasonable opportunity, incorporated earlier in Section 240(3) of the GOI Act and later in Article 311(2) of the Constitution as originally enacted. The right to receive the Inquiry Officer's report and to show cause against the findings in the report was independent of the right to show cause against the penalty proposed. The two rights came to be confused with each other because as the law stood prior to the 42nd Amendment of the Constitution, the two rights arose simultaneously only at the stage when a notice to show cause against the proposed penalty was issued. If the disciplinary authority after considering the Inquiry Officer's report had dropped the proceedings or had decided to impose a penalty other than that of dismissal, removal or reduction in rank, there was no occasion for issuance of the notice to show cause against the proposed penalty. In that case, the employee had neither the right to receive the report and represent against the finding of guilt nor the right to show cause against the proposed penalty. The right to receive the report and to represent against the findings recorded in it was thus inextricably connected with the acceptance of the report by the disciplinary authority and the nature of the penalty proposed. Since the 42nd Amendment of the Constitution dispensed with the issuance of the notice to show cause against the penalty proposed even if it was dismissal, removal or reduction in rank, some courts took the view that the Government servant was deprived of his right to represent against the findings of guilt as well. The error occurred on account of the failure to distinguish the two rights which were independent of each other.

While the right to represent against the findings in the report is part of the reasonable opportunity available during the first stage of the inquiry viz., before the disciplinary authority takes into consideration the findings in the report, the right to show cause against the penalty proposed belongs to the second stage when the disciplinary authority has considered the findings in the report and has come to the conclusion with regard to the guilt of the employee and proposes to award penalty on the basis of its conclusions. The first right is the right to prove innocence. The second right is to plead for either no penalty or a lesser penalty although the conclusion regarding the guilt is accepted. It is the second right exercisable at the second stage which was taken away by the 42nd Amendment.

The reason why the right to receive the report of the Inquiry Officer is considered an essential part of the reasonable opportunity at the first stage and also a principle of natural justice is that the findings recorded by the Inquiry Officer form an important material before the disciplinary authority which along with the evidence is taken into consideration by it to come to its conclusions....

The position in law can also be looked at from a slightly different angle. Article 311(2) says that the employee shall be given a "reasonable opportunity of being heard in respect of the charges against him". The findings on the charges given by a third person like the enquiry Officer, particularly when they are not borne out by the evidence or are arrived at by overlooking the evidence or misconstruing it, could themselves constitute new unwarranted imputations. What is further, when the proviso to the said Article states that "where it is proposed after such inquiry to impose upon him any such penalty such penalty may be imposed on the basis of the evidence adduced during such inquiry and it shall not be necessary to give such person any opportunity of making representation on the penalty proposed", it in effect accepts two successive stages of differing scope. Since the penalty is to be proposed after the inquiry, which inquiry in effect is to be carried out by the disciplinary authority (the Inquiry Officer being only his delegate appointed to hold the inquiry and to assist him), the employee's reply to the Inquiry Officer's report and consideration of such reply by the disciplinary authority also constitute an integral part of such inquiry. The second stage follows the inquiry so carried out and it consists of the issuance of the notice to show cause against the proposed penalty and of considering the reply to the notice and deciding upon the penalty. What is dispensed with is the opportunity of making representation on the penalty proposed and not of opportunity of making representation on the report of the Inquiry Officer. The latter right was always there. But before the 42nd Amendment of the Constitution, the point of time at which it was to be exercised had stood deferred till the second stage viz., the stage of considering the penalty. Till that time, the conclusions that the disciplinary authority might have arrived at both with regard to the guilt of the employee and the penalty to be imposed were only tentative. All that has happened after the 42nd Amendment of the Constitution is to advance the point of time at which the representation of the employee against the enquiry Officer's report would be considered. Now, the

disciplinary authority has to consider the representation of the employee against the report before it arrives at its conclusion with regard to his guilt or innocence of the charges.

Hence it has to be held that when the Inquiry Officer is not the disciplinary authority, the delinquent employee has right to receive a copy of the inquiry Officer's report before the disciplinary authority arrives at its conclusions with regard to the guilt or innocence of the employee with regard to the charges levelled against him. That right is a part of the employee's right to defend himself against the charges levelled against him. A denial of the Inquiry Officer's report before the disciplinary authority takes its decision on the charges is a denial of reasonable opportunity to the employee to prove his innocence and is a breach of the principles of natural justice....

...When the employee is dismissed or removed from service and the inquiry is set aside because the report is not furnished to him, in some cases the non-furnishing of the report may have prejudiced him gravely while in other cases it may have made no difference to the ultimate punishment awarded to him. Hence to direct reinstatement of the employee with back-wages in all cases is to reduce the rules of justice to a mechanical ritual. The theory of reasonable opportunity and the principles of natural justice have been evolved to uphold the rule of law and to assist the individual to vindicate his just rights. They are not incantations to be invoked nor rites to be performed on all and sundry occasions. Whether in fact, prejudice has been caused to the employee or not on account of the denial to him of the report, has to be considered on the facts and circumstances of each case. Where, therefore, even after the furnishing of the report, no different consequence would have followed, it would be a perversion of justice to permit the employee to resume duty and to get all the consequential benefits. It amounts to rewarding the dishonest and the guilty and thus to stretching the concept of justice to illogical and exasperating limits. It amounts to a "unnatural expansion of natural justice" which in itself is antithetical to justice.

Hence, in all cases where the Inquiry Officer's report is not furnished to the delinquent employee in the disciplinary proceedings, the courts and Tribunals should cause the copy of the report to be furnished to the aggrieved employee if he has not already secured it before coming to the Court Tribunal, and give the employee an opportunity to show how his or her case was prejudiced because of the non-supply of the report. If after hearing the parties, the Court. Tribunal comes to the conclusion that the non-supply of the report would have made no difference to the ultimate findings and the punishment given, the Court/Tribunal should not interfere with the order of punishment. The Court/Tribunal should not mechanically set aside the order of punishment on the ground that the report was not furnished as is regrettably being done at present. The courts should avoid resorting to short-cuts. Since it is the Courts/Tribunals which will apply their judicial mind to the question and give their reasons for setting aside or not setting aside the order of punishment, (and not any internal appellate or

revisional authority), there would be neither a breach of the principles of natural justice nor a denial of the reasonable opportunity. It is only if the Courts/Tribunals find that the furnishing of the report would have made a difference to the result in the case that should set aside the order of punishment. Where after following the above procedure the Courts/Tribunals sets aside the order of punishment, the proper relief that should be granted is to direct reinstatement of the employee with liberty to the authority, management to proceed with the inquiry, by placing the employee under suspension and continuing the inquiry from the stage of furnishing him with the report. The question whether the employee would be entitled to the back-wages and other benefits from the date of his dismissal to the date of his reinstatement if ultimately ordered should invariably be left to be decided by the authority concerned according to law, after the culmination of the proceedings and depending on the final outcome. If the employee succeeds in the fresh inquiry and is directed to be reinstated, the authority should be at liberty to decide according to law how it will treat the period from the date of dismissal till the reinstatement and to what benefits, if any and the extent of the benefits, he will be entitled. The reinstatement made as a result of the setting aside of the inquiry for failure to furnish the report should be treated as a reinstatement for the purpose of holding the fresh inquiry from the stage of furnishing the report and no more, where such fresh inquiry is held. That will also be the correct position in law....

(Emphasis supplied)

21. The following propositions, amongst others, have, thus, been laid down in the above decision of the Supreme Court.

1. If the Inquiry Officer and the Disciplinary Authority are not the same, the delinquent employee should be supplied with a copy of the Inquiry Officer's Report before the Disciplinary Authority arrives at its conclusions with regard to the guilt or innocence of the employee in respect of the charges levelled against such employee.

2. The right to get copy of the Inquiry Report and to make representation against the findings of the Inquiry Officer in cases falling under proposition No. 1 above, is distinct and apart from the right to get notice and to show cause against the proposed penalty. The latter right, namely, right to get notice and to show cause against the proposed penalty has been taken away by the 42nd Constitutional Amendment but the former right, namely, right to get copy of the Inquiry Report and to represent before the Disciplinary Authority against the findings recorded by the Inquiry Officer is still subsisting.

3. If in a case falling under the proposition No. 1, copy of the Inquiry Report is not supplied to the delinquent employee, the delinquent employee is required to show as to what prejudice has been caused to him on account of non-supply of the copy of the Inquiry Report. For deciding this question, the Court/Tribunal will cause the copy of the Inquiry Report to be furnished to the aggrieved employee if

he has not already secured it before coming to the Court/Tribunal and give the employee an opportunity to show as to how his case has been prejudiced because of non-supply of the Inquiry Report. In case, after hearing the parties, the Court/Tribunal comes to the conclusion that the non-supply of the Inquiry Report would have made no difference to the ultimate findings and the punishment given, the Court/Tribunal should not interfere with the order of punishment.

22. Reverting to the facts of the present case, it has been noted above that even though copy of the Inquiry Report was not supplied to the petitioner, the same was made available to the petitioner during the course of hearing of the case before the Tribunal. Thus, the Tribunal gave opportunity to the petitioner to show as to how his case had been prejudiced on account of non-supply of the copy of the Inquiry Report. The submissions raised on behalf of the petitioner before the Tribunal assailing the findings recorded by the Inquiry Officer were considered by the Tribunal as is evident from a perusal of paragraph 10 of the judgment and order dated 3.10.2003 passed by the Tribunal. In paragraph 11 of the said judgment and order, the Tribunal further concluded that the petitioner had been given ample opportunity to defend himself.

23. In view of the above, it is evident that the Tribunal made copy of the Inquiry Report available to the petitioner and gave the petitioner opportunity to show as to how he had been prejudiced on account of non-supply of the copy of the inquiry Report. The petitioner failed to show any prejudice and the Tribunal, therefore, upheld the order of dismissal of the petitioner from service.

24. In the present writ Petition before this Court, the petitioner has made grievance regarding non-supply of copy of the Inquiry Report to him before imposing penalty of dismissal from service, as is evident from a perusal of paragraphs 14, 15, 16, 17 and 18 of the Writ Petition. However, the petitioner has not made any specific allegation regarding prejudice which he might have suffered on account of non-supply of copy of the inquiry Report. During the course of hearing also, the learned Counsel for the petitioner has not been able to show as to how the petitioner was prejudiced on account of non-supply of copy of the Inquiry Report.

25. As no prejudice has been established by the petitioner, the order of dismissal of the petitioner from service cannot be said to be vitiated on account of non-supply of copy of the Inquiry Report.

As noted above, the original record of the enquiry proceedings has been produced before us by the learned Standing Counsel.

26. Having examined the material on the said record and having considered the submissions made by the learned Counsel for the parties, we are of the view that even if the copy of the Inquiry Report was supplied to the petitioner, the same would have made no difference to the ultimate findings of the Inquiry Officer and the punishment given to the petitioner.

27. In the circumstances, no interference is called for with the order of dismissal of the petitioner from service.

28. Coming now to the second submission made by the learned Counsel for the petitioner regarding taking into account the past conduct of the petitioner while imposing penalty, it is noteworthy that one of the main charges against the petitioner was that he was habitual in committing misconduct and indiscipline and in committing wrongful acts, and various instances were mentioned in the charge-sheet in regard to the same. Having examined the facts and circumstances in the light of material on record, the Inquiry Officer concluded that the behaviour of the petitioner was not normal and he was of quarrelsome nature, and the conduct of the petitioner (Sewak) was not such as could be expected of any Class-IV employee, and it was absolutely necessary that the petitioner be punished for his conduct.

29. The Disciplinary Authority examined in detail the charges levelled against the petitioner and the findings recorded by the Inquiry Officer and concluded that it was a case of serious misconduct on the part of the petitioner. In order to decide as to what punishment be imposed on the petitioner, the Disciplinary Authority took into consideration the past history regarding work, behaviour and conduct of the petitioner as emerging from the service record and thereafter imposed the penalty of dismissal from service keeping in view the totality of the facts and circumstances of the case.

30. We are of the view that the Disciplinary Authority did not commit any illegality in taking into account the past history in regard to work, behaviour and conduct of the petitioner for deciding the quantum of punishment to be imposed on the petitioner.

31. Coming now to the third submission made by the learned Counsel for the petitioner regarding the punishment of dismissal from service imposed by the Disciplinary Authority despite the fact that the Inquiry Officer had recommended punishment of stoppage of three increments only, we are of the view that the quantum of punishment was to be decided by the Disciplinary Authority keeping in view, inter alia, the findings recorded by the Inquiry Officer in regard to various charges levelled against the petitioner. The Disciplinary Authority was not bound by the suggestion/recommendation made by the inquiry Officer, and it (Disciplinary Authority) was required to take its own decision on the question of quantum of punishment. Reference in this regard may be made to the decision of the Supreme Court in A.N. D'Silva Vs. Union of India (UOI), .

32. As noted above, the Disciplinary Authority on a detailed consideration of the charges levelled against the petitioner and the findings recorded by the Inquiry Officer in regard to such charges and also keeping in view the past history of the petitioner in regard to his work, behaviour and conduct, concluded that the petitioner had committed serious misconduct and the petitioner was habitual in repeatedly committing misconduct during his service and there was no possibility

of any improvement in his conduct, and continuing the petitioner in service would adversely affect other disciplined employees also. In the circumstances, the Disciplinary Authority imposed punishment of dismissal from service on the petitioner.

33. In our opinion, the Disciplinary Authority did not commit any illegality in not accepting the suggestion/recommendation of the Inquiry Officer in regard to the quantum of punishment and in imposing the punishment of dismissal from service on the petitioner.

34. As regards the submission made by the learned Counsel for the petitioner that the punishment of dismissal from service imposed by the Disciplinary Authority was too harsh, we are of the view that having regard to the facts and circumstances mentioned above, the punishment of dismissal from service imposed by the Disciplinary Authority cannot be said to be harsh.

35. The Inquiry Officer in his Report, as mentioned hereinbefore, concluded that as per the own admission of the petitioner he had altercation with the said R.S. Gangwar on 18.9.1998. The Inquiry Officer further noted that the said R.S. Gangwar lodged First Information Report against the petitioner on 18.9.1998, and got himself medically examined also.

36. The Inquiry Officer further noted the past conduct of the petitioner as indicated in various charges mentioned in the charge-sheet and concluded that the behaviour of the petitioner was not normal and he was quarrelsome by nature. The conduct of the petitioner (Sewak) was not such as could be expected of any Class-IV employee, and it was absolutely necessary that the petitioner be punished for his conduct.

37. It is noteworthy that no reasonable explanation was given by the petitioner regarding his altercation with R.S. Gangwar on 18.9.1998. The petitioner has not alleged any malafide against the said R.S. Gangwar.

38. Keeping in view the aforesaid facts and circumstances, it is evident that the Disciplinary Authority was justified in imposing the punishment of dismissal from service on the petitioner.

There is another aspect of the matter also.

39. It has been laid by the Supreme Court in various decisions that the punishment imposed by the Disciplinary Authority or the Appellate Authority should not be subjected to judicial review unless the same is shocking to the conscience of the Court/Tribunal. Reference in this regard may be made to the following decisions:

1. Chairman and Managing Director, United Commercial Bank and Others Vs. P.C. Kakkar, .

2. V. Ramana Vs. A.P.S.R.T.C. and Others,

3. The General Secretary, South Indian Cashew Factories Workers' Union Vs. The Managing Director, Kerala State Cashew Development Corporation Ltd. and Others,

4. Union of India (UOI) and Others Vs. Dwarka Prasad Tiwari,

40. The punishment of dismissal from service imposed in the present case cannot, in our opinion, be said to be such as is shocking to the conscience of the Court. Therefore, no interference is called for with the order imposing the said punishment on the petitioner.

41. In view of the above discussion, we are of the opinion that the Writ Petition lacks merits, and the same is liable to be dismissed. The Writ Petition is accordingly dismissed. However, in the facts and circumstances of the case, there will be no order as to costs.