

(1956) 07 AP CK 0010

In the Andhra Pradesh High Court

Case No : Writ Petition No. 960/B5/2 of 1956

Lazarus Gabriel

APPELLANT

Vs

The Union of India (UOI)

RESPONDENT

Date of Decision : 09-07-1956

Acts Referred:

Constitution of India, 1950 — Article 226, 311(2)
Railway Establishment Code — Rule 17, 21

Citation : (1956) 07 AP CK 0010

Hon'ble Judges : Palnitkar, C.J.;Srinivasachari, J

Bench : Division Bench

Advocate : Roshan Ali, for the Appellant;

Final Decision : Dismissed

Judgement

Palnitkar, C.J.—This is a petition for the issue of a writ of certiorari under the provisions of Article 226 of the Constitution. The brief facts of the case are that the Petitioner was a turner in the Railway Machine Shop at Lallaguda and he was charged with taking away from the Machine Shop a brass rod weighing 14 lbs. hidden in his shirt. Due inquiry was made of this. Evidence was recorded. Seven witnesses for the prosecution and one witness on behalf of the Petitioner were examined.

The Committee came to the conclusion that though actual theft was not proved, the behaviour of the Petitioner was very suspicious. They, therefore, directed that the Petitioner be removed from the railway service. An appeal was filed before the Deputy Chief Mechanical Engineer which was rejected. A revision petition was filed before the General Manager which was also rejected. Hence, this writ petition.

2. We heard the arguments of the learned Advocate for the Petitioner Sri Roshan Ali. The first point argued was that the judgment was against natural justice. It is admitted that notice under Article 311(2) was given to the Petitioner by the

Enquiry Committee and that a reasonable opportunity was given to him to cross-examine the witnesses produced and also to lead his own evidence and show cause why the proposed action for dismissal should not be taken against him. Hence, there is no defect or error so far as the compliance with the provisions of the Constitution is concerned.

The argument that the proceedings were against natural justice, therefore, has no force. The opportunity was given to the Applicant to cross-examine the witnesses and he did cross-examine the witnesses and produced evidence in his own defence. There was nothing against the procedure laid down or defect or error in the same. The learned Advocate argued that it should have decided the appeal under the provisions of Rules 17 and 21 of the Indian Railway Establishment Code and that no reasons were given in the order of the appellate authority as to why the appeal was dismissed.

We perused the appellate judgment dated 26-5-1955. No doubt the judgment is short, but it cannot be said that reasons have not been given. It is not always necessary that a lengthy judgment should be given. The judgment states that there was no irregularity in the procedure followed by the lower authority and there was no reason whatsoever to alter the order of removal.

Moreover, on the facts, as we have stated, the case is a simple and plain one and the facts established by the Committee are that his behaviour was suspicious and he was found running towards the place where the brass rod was recovered. It is for the appointing authority as also for the authority who is in charge of the administration of the Work Shop to see how far the services of such a suspicious character can be safely continued; taking into view the technical nature of the work concerned and the value of the property with which the Petitioner had to deal.

We cannot say that under the circumstances suspicion is not a sufficient reason for his removal. We therefore, find no force in this Writ Petition which is dismissed in limine.