

(2002) 04 AHC CK 0157
In the Allahabad High Court
Case No : C.M.W.P. No. 30555 of 2001

Uma Shankar Mishra

APPELLANT

Vs

Sambhagiya Prashasnik Committee, U.P. and Others

RESPONDENT

Date of Decision : 10-04-2002

Acts Referred:

Citation : (2002) 2 AWC 1704 : (2002) 93 FLR 1087 : (2002) 3 LLJ 467 :
(2002) 2 UPLBEC 1481

Hon'ble Judges : Rakesh Tiwari, J; M. Katju, J

Bench : Division Bench

Advocate : H.N. Tripathi, for the Appellant; Anil Tiwari, S.C., for the Respondent

Final Decision : Dismissed

Judgement

M. Katju and Rakesh Tiwari, JJ.—Heard learned counsel for the petitioner, learned standing counsel and Sri Anil Tiwari, learned counsel for the respondents.

2. The petitioner is challenging the Impugned orders dated 23.12.2000 (Annexure-9 to the writ petition) and 30.7.2001 (Annexure-11 to the writ petition).

3. We have carefully perused the impugned orders and find no illegality in the same. The petitioner was a Secretary in a Co-operative Society and was charge-sheeted for embezzlement, etc. After enquiry, he was found guilty and dismissed. His appeal has also been dismissed. The finding of guilt is a finding of fact that the petitioner committed financial embezzlement and hence we cannot Interfere in writ jurisdiction. Moreover in the order (Annexure-9), it has been recorded that the petitioner admitted this charge.

4. Learned counsel for the petitioner then submitted that petitioner could only be dismissed but no recovery of the embezzled amount could be made. We do not agree with this submission. The petitioner embezzled the amount and hence, the said amount should be recovered from him.

5. The petition is dismissed.