

(1997) 12 SC CK 0097
In the Supreme Court Of India
Case No : C.A. No. 2263 of 1993

U.P. State Road Transport Corpn. and Others	APPELLANT
Vs	
A.K. Parul	RESPONDENT

Date of Decision : 04-12-1997

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : AIR 1999 SC 1552 : (1998) AIRSCW 4029 : (1999) 1 CALLT 77 : (1998) 80 FLR 939 : (1998) 7 JT 203 : (1999) 1 SCALE 138 : (1998) 9 SCC 416 : (1999) 1 UPLBEC 201

Hon'ble Judges : K. Venkataswami, J;B.N. Kirpal, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. This appeal by special leave is directed against the order of the Allahabad High Court dated 20-8-1991 in Writ Petition No. 8467 of 1988.
2. The respondent, formerly a Bus Conductor, was charged for taking certain passengers without ticket. An enquiry was conducted departmentally and he was found guilty. The Disciplinary Authority removed the respondent from the post of Conductor. He moved the High Court challenging the order of removal. The High Court, while concurring with the finding of the authority that charges leveled against the respondent were proved, however, held that the punishment awarded did not commensurate with the gravity of the charge. On that basis, the High Court set aside the punishment and directed the reinstatement of the respondent. If further gave direction to extend all the benefits to the respondent arising out of the setting aside of the removal order.
3. Aggrieved by that, this appeal is filed by the appellant. this Court consistently has taken the view that while exercising judicial review the courts shall not normally interfere with the punishment imposed by the authorities and this will be more so when the Court finds the charges were proved, The interference with the punishment on the facts of this case cannot be sustained. In State Bank of

India and Others Vs. Samarendra Kishore Endow and Another, this Court held that imposition of proper punishment is within the discretion and judgment of the Disciplinary Authority. It may be open to the appellate authority to interfere with it, but not to the High Court or to the Administrative tribunal for the reasons that the jurisdiction of the Tribunal is similar to the powers of the High Court under Article 226. As noticed earlier, the High Court, having found the charges proved, is not justified in interfering with the punishment imposed by the Disciplinary Authority, particularly when in this case, the respondent was once removed from service on the charge of corruption and again reinstated. On the facts, the interference by the High Court was not at all justified. Accordingly, the appeal is allowed, the order of the High Court is set aside and the writ petition filed by the respondent in the High Court stands dismissed. No order as to costs.