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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.1868-1869 OF 2014

THE MANAGER, RC SCHOOLS BISHOP OF TUTICORIN & ANR. APPELLANTS

VERSUS

S. PETER RAJ RESPONDENT

O R D E R

Though an application for early hearing is filed, yet considering the narrow compass of the lis, we have thought it appropriate to hear the main matter.

The present appeals by special leave call in question the legal propriety of the judgment and order passed by the High Court in WA (MD) No.223 of 2013 whereby the judgment and order of the learned Single Judge in WP(MD)No.1421 of 2012 has been affirmed. An application for review forming the subject matter of Review Application (MD)No.50 of 2013 met with the same fate of dismissal. To appreciate the controversy, the facts, in brief, need to be stated.

A disciplinary proceeding was initiated against the respondent for insubordination and non-production of certificate in respect of the qualification which he possessed. Learned Single Judge vide the impugned judgment has held that the certificate was not necessary to get into the job and was produced and secondly the charge of insubordination was not of that serious warranting compulsory retirement. On that basis, the learned Single Judge substituted the punishment of compulsory retirement to stoppage of

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three increments with cumulative effect. The same has been affirmed by the Division Bench of the High Court. However, 25% back wages has been granted to the respondent.

We have been apprised that the respondent has attained the age of superannuation. We do not intend to get into the facet where the High Court should have been well-advised to send the matter to the disciplinary authority to re-consider the punishment inasmuch on an earlier occasion, the High Court had sent it for reconsideration. We have ourselves perused the charges and the findings recorded, and keeping in view the facts and the totality of circumstances, think it appropriate that the punishment that has been substituted by the High Court, in the obtaining facts and circumstances of the case, does not call for interference. However, as regards the peculiar facts of the case, we think it appropriate if the back wages is reduced to 15% as suggested by the learned counsel for the respondent. However, the respondent shall be entitled to get pension from the date of his superannuation.

The appeals are allowed to the extent indicated above. There shall be no order as to costs.

.....CJI
(DIPAK MISRA)

.....J.
(A.M.KHANWILKAR)

.....J.
(Dr.D.Y.CHANDRACHUD)

NEW DELHI;
MARCH 12, 2018.

ITEM NO. 40

COURT NO. 1

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SCivil Appeal No(s).1868-1869/2014

THE MANAGER, RC SCHOOLS BISHOP OF TUTICORIN & ANR. Appellant(s)

VERSUS

S. PETER RAJ Respondent(s)

(and IA No.20819/2018-EARLY HEARING APPLICATION)

Date : 12-03-2018 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Appellant(s) Mr. Romy Chacko, AOR

For Respondent(s) Mr. S. Gowthaman, Adv.
Mr.K.Paari Vendhan, Adv.
Mr.Sethu Mahendran, Adv.
Ms.M.Venmani, Adv.UPON hearing the counsel the Court made the following
O R D E RThe appeals are allowed to the extent indicated in the
signed order. There shall be no order as to costs.(Chetan Kumar)
Court Master(H.S.Parasher)
Assistant Registrar

(Signed order is placed on the file)