

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.4274 OF 2017

UNION OF INDIA & ANR.

... APPELLANTS

Versus

A.K. TRIPATHI

... RESPONDENT

O R D E R

1. Union of India through the Secretary, Department of Space, Indian Space Research Organisation (ISRO) and the Director, Indian Space Research Organisation are in appeal against the judgment dated 20.11.2014 passed by the High Court of Gujarat at Ahmedabad whereby their writ petition against the order of the Central Administrative Tribunal, Ahmedabad Bench (for short, 'the Tribunal') directing for further advancement and release of other service benefits to the respondent, has been dismissed.

2. The facts are broadly not in dispute. The respondent joined Indian Space Research Organisation (ISRO) as Technical Assistant 'C' on 07.11.1974. He was promoted as Scientist/Engineer 'SE' Grade on 01.01.1991. By an office order dated 19.09.1995, the respondent was placed under suspension for being allegedly involved in illegally selling two wave form monitors. It appears that the criminal prosecution was not pursued, however, a charge memorandum was served upon the respondent on 16.11.1998 by the Department of Space, Government of India. His suspension was later revoked on

28.01.1999.

3. The respondent made an unsuccessful attempt to seek quashing of the departmental proceedings. In his second attempt, the respondent approached the Tribunal to direct the appellants to provide him certain documents before proceeding with the departmental inquiry. Eventually, the competent authority appointed an Inquiry Officer on 16.06.2004. The said departmental inquiry remained pending for a long time for the reasons best known to the appellants and meanwhile, the respondent retired from service on attaining the age of superannuation on 30.11.2008. The respondent had, in the interregnum, filed various cases before the Tribunal seeking directions:

(i) To grant him increments in the revised pay-scale.

(ii) To give arrears of pay with interest etc.

(iii) To consider and promote him as per the policy.

4. It seems from the orders under challenge that before chargesheeting the respondent, a preliminary inquiry was conducted and its report was forwarded to the Union Public Service Commission (UPSC) for its opinion. The UPSC opined that the Inquiry Officer had failed to establish culpability of the respondent. The Disciplinary Authority, however, disagreed with that opinion and initiated the departmental proceedings, as briefly noticed above.

5. The Tribunal finally accepted the claims made by the respondent. The matter was then taken up before the High Court and as may be seen from para 2 of the impugned order passed by the High Court, two Writ Petitions filed by the respondent were allowed on the same date whereby the High Court held that further inquiry as

directed by the Disciplinary Authority was illegal and that the Tribunal was required to re-consider the consequential claims of the respondent.

6. As regard to the respondent's claim for promotion/further advancement, the High Court has held that since no allegation whatsoever was proved against the respondent in the departmental proceedings, his case required to be re-considered for further advancement as well as for the grant of other service benefits as directed by the Tribunal.

7. We have heard learned counsel for the parties and carefully perused the material placed on record.

8. It is an admitted fact that though the respondent was chargesheeted despite a contrary opinion of UPSC, no charge could be proved against him. Since the departmental proceedings were never formally concluded, the same are at this juncture deemed to have been dropped for all intents and purposes. There is no other adverse material pointed out against the respondent on the basis of which his gratuity, commutation of pension or consideration for further promotion could be denied. As a matter of fact, the two decisions of the High Court of even date, declaring the inquiry proceedings illegal and remanding the matter to the Tribunal to re-determine the respondent's retiral claims have attained finality as those orders have not been challenged by the appellants. That being the state of affairs, the impugned direction to re-consider the claim of the respondent for promotion etc. warrants no interference.

9. The appeal is, accordingly, dismissed.

10. The appellants are directed to give effect to the directions issued by the Tribunal/High Court within a period of three months from the date of receipt/production of a copy of this order.

.....J.
(SURYA KANT)

.....J.
(M.M. SUNDRESH)

NEW DELHI;
JUNE 21, 2023.

ITEM NO.109

COURT NO.6

SECTION III

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.4274/2017

UNION OF INDIA & ANR.

Appellant(s)

VERSUS

A.K. TRIPATHI

Respondent(s)

Date : 21-06-2023 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE M.M. SUNDRESHFor Appellant(s) Mr. Sanjay Jain, A.S.G.
Mr. Sanjay Kumar Tyagi, Adv.
Ms. Kanu Agrawal, Adv.
Mr. Prashant Singh (b), Adv.
Ms. Sweksha, Adv.
Mr. Amrish Kumar, AORFor Respondent(s) Mr. Vikram Hegde, Adv.
Mr. Bipin Pradip Aspatwar, AOR
Mr. Chitwan Sharma, Adv.UPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed, in terms of the signed Order.

(SATISH KUMAR YADAV)
DY. REGISTRAR(PREETHI T.C.)
COURT MASTER (NSH)

(Signed Order is placed on the file)