

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 21838 OF 2017
Arising out of SLP(C)No.24237 of 2013

G.C VERMA

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

O R D E R

R. BANUMATHI, J.

Leave granted.

On the proved charges, the appellant-an IPS officer was removed from service. The appellant made unsuccessful attempt before the Central Administrative Tribunal which dismissed the appellant's petition on 27.4.1995. The Tribunal held that in the facts and circumstances of the case, the punishment of dismissal from service is proportionate to the gravity of offence and it does not warrant any interference. The Writ petition filed by the petitioner also came to be dismissed.

When the matter came up for hearing, on 13.11.2017, this Court passed the following order:

"Having regard to the established charge of habitual indebtedness, we are of the view that the punishment of removal from service is certainly shocking, if not disproportionate. Therefore,

suggestion was put as to why not the removal be substituted with compulsory retirement from service since compulsory retirement is one of the punishments prescribed under the Rules, with the further rider that till the date of the order of compulsory retirement from service, the incumbent shall be entitled only to the subsistence allowance payable as on that date and the service will be treated as continuous for all other purposes.

The learned counsel seeks some time to get instruction.

List on 24.11.2017."

The learned counsel appearing for the first respondent - Union of India submits that he could not get instructions regarding the modification of the punishment imposed on the appellant. We have perused the impugned judgment and the materials on record.

The appellant was charged for the continuous indebtedness from the banks and also from the individuals. Having regard to the facts and circumstances, in our view, the punishment of removal from service is disproportionate to the nature of charges and the punishment of removal from service is modified as compulsory retirement as on 13.10.1994.

The learned counsel for the appellant on instructions submits that the appellant is ready to waive the interest on the retiral benefits and also on the arrears of pension from 1994 to 2017. Learned counsel for the appellant submits that the appellant withdraws the allegations levelled against the UPSC - the 3rd respondent.

The punishment imposed upon the appellant is modified

as one of compulsory retirement as on 13.10.1994 and the first respondent shall pay all the retiral benefits to the appellant. As observed in our order dated 13.11.2017, the appellant is only entitled for subsistence allowance from the date of suspension till the date of compulsory retirement. The first respondent shall pay all the retiral benefits, arrears of pension, within a period of three months.

We also make it clear that the appellant will not be entitled to any interest on such retiral benefits, including pensionary benefits.

The appeal stands allowed to the aforesaid extent.

No costs.

.....J
(R. BANUMATHI)

.....J
(UDAY UMESH LALIT)

NEW DELHI;
DECEMBER 13, 2017

ITEM NO.2

COURT NO.3

SECTION XIV

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 S

Civil Appeal No(s).21838/2017 @ Petition for Special leave to Appeal (C) No. 24237 of 2013

(Arising out of impugned final judgment and order dated 21.12.2012 in WPC No. 2220/2001 passed by the High Court of Delhi at New Delhi.)

G.C VERMA

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 13-12-2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Appellant(s) Mr. S.D. Singh, Adv.
 Mr. Vijay Kumar, Adv.
 Ms. Bharti Tyagi, AOR
 Ms. Surbhi Sukhala, Adv.
 Mr. Ram Kripal Singh, Adv.
 Mr. J.D. Singh, Adv.

For Respondent(s) Mr. A.N.S. Nadkarni, ASG.
 Ms. Kiran Bhardwaj, Adv.
 Mr. S.S. Ray, Adv.
 Ms. Kiran Bhardwaj, Adv.
 Mr. B.V. Balram Das, Adv.

Ms. Sushma Suri, AOR
Ms. Binu Tamta, AOR
Ms. Ranjeeta Rohatgi, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

(B. PARVATHI)
COURT MASTER

(TAPAN KUMAR CHAKRABORTY)
BRANCH OFFICER

(Signed order is placed on the file)