

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3754 OF 2017
(Arising out of SLP(C) No.31140 of 2016)

ANUPAM HALDER

...APPELLANT(S)

VERSUS

STATE OF WEST BENGAL AND ORS.

...RESPONDENT(S)

O R D E R

1. Leave granted.
2. The appellant was appointed as a Motor Vehicle Inspector (Non-Technical) under the Government of West Bengal in the year 1982. On an allegation of having disproportionate income, he was departmentally proceeded with and, thereafter, punishment of compulsory retirement of service has been imposed. The West Bengal Administrative Tribunal and the High Court having negatived the approach made by the appellant for interference with the order of punishment, this appeal has been filed.
3. We have heard the learned counsels for the parties. Having perused the materials

on record, including the impugned orders of the learned Tribunal and the High Court, we find certain unexplained infirmities with the decision of the aforesaid forums. The period during which disproportionate assets were allegedly acquired is 2000-2004. The period of earnings/income, surprisingly, is the same i.e. 2000-2004 and the benefits of income from the year 1982 when the appellant was appointed has not been given. The disproportionate income eventually found is Rs.3,33,340/-. If the income of the appellant from the date of his joining the service had been taken into account, surely the appellant can be expected to have savings to the tune of Rs.3,33,340/-. The aforesaid is a serious lacuna which stares at the face of the Court upon a mere reading of the order of the High Court.

4. Apart from the above, there are certain other features of the case which cannot be ignored. There is a difference in the valuation of the house (on the basis of which the charges have been levelled against the appellant) between the Government approved

valuer and the Vigilance Department of the State, on whose calculations reliance was placed upon by the appellant and the State respectively. There has been no attempt to demonstrate that the figures computed by the Government approved Valuer, relied upon by the appellant, is *per se* incorrect. No case under the Prevention of Corruption Act, 1947 has also been initiated against the appellant.

5. Taking into account the totality of the aforesaid facts, we are of the view that the order of compulsory retirement as a measure of punishment imposed on the appellant is unsustainable in law. We, therefore, interfere with the said order of punishment as well as the orders of the Tribunal and the High Court and allow this appeal with a direction that all consequential benefits be afforded to the appellant forthwith.

.....,J.
(RANJAN GOGOI)

.....,J.
(NAVIN SINHA)

ITEM NO.3

COURT NO.4

SECTION XVI

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

Petition(s) for Special Leave to Appeal (C) No(s).31140/2016

(Arising out of impugned final judgment and order dated 14/01/2016
in WPST No. 452/2013 passed by the High Court of Calcutta)

ANUPAM HALDER

Petitioner(s)

VERSUS

STATE OF WEST BENGAL AND ORS.

Respondent(s)

(With interim relief and office report)

Date : 06/03/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s) Mr. Pardeep Gupta, Adv.
Mr. Parinav Gupta, adv.
Ms. Mansi Gupta, Adv.
Mr. Sanjay Chakrabarty, Adv.
Dr. (Mrs.) Vipin Gupta, Adv.

For Respondent(s) Mr. Soumik Ghosal, Adv.
Mr. Parijat Sinha, Adv.

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.

In view of the above, pending application(s),
if any, stand disposed of.

(Neetu Khajuria)
Court Master

(Asha Soni)
Court Master

(Signed order is placed on the file.)