

ITEM NO.19

COURT NO.9

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 24643/2019

(Arising out of impugned final judgment and order dated 09-08-2017 in FMA No. 3174/2015 passed by the High Court at Calcutta)

MANIK RABIDAS

Petitioner(s)

VERSUS

RAILWAY PROTECTION FORCE THROUGH
INSPECTOR GENERAL CUM CHIEF SECURITY
COMMISSIONER EASTERN RAILWAY & ORS.

Respondent(s)

(IA No.109232/2019-CONDONATION OF DELAY IN FILING)

Date : 02-08-2019 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s)

Mr. Ranjan Mukherjee, Adv.
Mr. Anindo Mukherjee, Adv.
Mr. Kumar Neeraj, Adv.
Mrs. Sarla Chandra, AOR

For Respondent(s)

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

Delay condoned.

Having heard Mr. Ranjan Mukherjee, learned counsel appearing on behalf of the petitioner, we are not inclined to entertain this petition under Article 136 of the Constitution of India.

The charge of misconduct has been duly established on the basis of the evidence in the inquiry and the punishment cannot be regarded as disproportionate having regard to the fact that the petitioner was a member of an Armed Force of the Union within the meaning of Article 33 of the Constitution of India.

The Special Leave Petition is accordingly, dismissed.

However, since the penalty of compulsory retirement from service has been imposed on the petitioner on 30 August 2012 with "100% benefits with immediate effect" (Annexure P-7), we direct that in the event that the admissible dues have not already been released, they shall be released to the petitioner with interest at the rate of 6% per annum from 1 October 2012.

Pending application(s), if any, shall stand disposed of.

(MANISH SETHI)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER