

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.1268-1272/2017

(@Petition(s) for Special Leave to Appeal (C)  
No(s). 27272-27276/2015)

UNION OF INDIA AND ORS.

Appellant(s)

VERSUS

MOHIT RATHI ETC. ETC.

Respondent(s)

O R D E R

Leave granted.

We have heard Mr. P.S. Patwalia, learned Additional Solicitor General appearing for the appellants - Union of India and Others and Ms. Aishwarya Bhati, learned counsel appearing for the respondents at length.

We have gone through the Orders passed by the learned Inspector General, Frontier Headquarters, Sashastra Seema Bal, Guwahati, Assam and the impugned Order passed by the High Court in the matters.

After carefully perusing the material available on record, we find that the appellants - Union of India & Ors. discharged the respondents - herein from service on the ground that they have failed to conduct themselves as disciplined and efficient members of the force.

It appears that the High Court has passed the impugned order on the ground that no criminal case is registered against the respondents - herein; the Summary Force Court (S.F.C.) proceedings directed against the respondents having been annulled vide Order dated 17-5-2013 passed by the Inspector General, Frontier Headquarters, S.S.B., Guwahati, Assam and the Order of the same date passed by the said Inspector General having no other material to base itself upon, has been held to be legally unsustainable in the eyes of law.

In our considered opinion, the High Court has erred in holding the said fact in such a manner as it lost sight of the fact that the respondents herein have admitted their guilt in the S.F.C. proceedings resulting in their sentence and forfeiture of pay and allowances, although the said proceedings having been annulled as stated here-in-before.

According to us, even if the names of the respondents are not mentioned in the First Information Report, the appellants are well within their rights to take steps in accordance with the relevant provisions of Service Rules of the respondents discharging the respondents from service.

In view of the above, we are of the considered view that the impugned order of the High Court is deserves to be set aside.

Thus, the order of the High Court is set aside and the order dated 17-5-2013 passed by the Inspector General, Frontier Headquarters, S.S.B., Guwahati, Assam regarding discharge of respondents from service is upheld.

The Appeals are allowed in the afore-stated terms.

.....J  
(PINAKI CHANDRA GHOSE)

.....J  
(ROHINTON FALI NARIMAN)

NEW DELHI;  
30TH JANUARY, 2017.

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). 27272-27276/2015

(Arising out of impugned final judgment and order dated 28/11/2014 in WPC No. 3237/2014, WPC No. 34/2014, WPC No. 4804/2014, WPC No. 7228/2013 & WPC No. 7235/2013 passed by the High Court of Delhi at New Delhi)

UNION OF INDIA AND ORS.

Petitioner(s)

VERSUS

MOHIT RATHI ETC. ETC.

Respondent(s)

(With appln.(s) for exemption from filing O.T. and permission to file additional documents and interim relief and office report)

Date : 30/01/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE  
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s)

Mr. P.S. Patwalia, ASG  
Ms. Binu Tamta, Adv.  
Mr. T.C. Sharma, Adv.  
Mr. Rajat Singh, Adv.  
Mr. B.K. Prasad, AOR  
Ms. Sushma Suri, Adv.

For Respondent(s)

Ms. Aishwarya Bhati, Adv.  
Ms. Tanuja Patra, Adv.  
Mr. T. Gopal, Adv.  
Ms. Heena Khan, Adv.  
Mr. Satya Mitra Garg, AOR  
Mrs. Manju Aggarwal, Adv.

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

Leave granted.

The Appeals are allowed in terms of the signed order.

Pending applications filed in the matters are also disposed of.

(VISHAL ANAND)  
COURT MASTER

(SNEH LATA SHARMA)  
COURT MASTER

(Signed Order is placed on the file)

