

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4955 OF 2017
(Arising out of SLP(C)No. 37600/2013)

UNION OF INDIA & ORS. .. APPELLANT(S)
VERSUS

SWAPAN GUHA THAKURTA .. RESPONDENT(S)

O R D E R

1. Leave granted.
2. This appeal is directed against the final judgment and final order passed by the High Court of Calcutta in Writ Petition No. C.O.C.T. 12 of 2012, dated 09.09.2013, whereby the High Court had set aside the order passed by the Central Administrative Tribunal, Calcutta (for short, "the CAT").
3. The Charge sheet was served on the respondent for major penalty proceedings for the misconduct of assaulting and abusing his official superior on duty. The disciplinary authority after considering the enquiry Report imposed the penalty of removal of

service on the respondent. The appellate authority before whom the respondent filed an appeal, dismissed the appeal of the respondent and upheld the findings of the disciplinary authority. Being aggrieved, the respondent filed O.A. before the CAT which was dismissed vide order dated 30.07.2012.

4. Aggrieved by the order of the CAT, the respondent approached the High Court by filing writ petition whereby the same was disposed of and the order of the CAT was set aside. Hence this appeal.

5. We have heard learned counsel for the parties.

6. We are not inclined to go into the question whether the High Court ought to have substituted the discretion of the disciplinary authority since learned counsel for the respondent undertakes never to use

any filthy language ever while in service.

7. In the circumstances, the respondent will be reinstated in service subject to furnishing the said undertaking, but he shall not be entitled for any back wages.

8. The appeal is disposed of accordingly.

.....J.
[S.A. BOBDE]

.....J.
[L. NAGESWARA RAO]

NEW DELHI,
APRIL 10, 2017.

ITEM NO.40

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

Petition for Special Leave to Appeal (C) No. 37600/2013

(Arising out of impugned final judgment and order dated 09/09/2013 in COCT No. 12/2012 passed by the High Court Of Calcutta)

U.O.I & ORS

Petitioner(s)

VERSUS

SWAPAN GUHA THAKURTA

Respondent(s)

(With appln. (s) for permission to file additional documents and interim relief and office report)

Date : 10/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE

HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Mr. R.S. Suri, Sr. Adv.
Mr. Prasenjit Keswani, Adv.
Ms. Alka Agarwal, Adv.
Mr. Raj Bhadur Adv.
Mr. Shreekant N. Terdal, Adv.

For Respondent(s) Mr. Bijan Kumar Ghosh, Adv.
Mr. Surajit Samanta, Adv.
Mr. P. Jegan, Adv.
Mr. Nishant Singla, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed order.

[Charanjeet Kaur]
A.R.-cum-P.S.

[Indu Pokhriyal]
Court Master

[Signed order is placed on the file]