

IN THE SUPREME COURT OF INDIA**CIVIL APPELLATE JURISDICTION****CIVIL APPEAL NO. 2482 OF 2017****UNION OF INDIA & ANR.****....APPELLANT(S)****VERSUS****RAMESH CHANDER****....RESPONDENT(S)****ORDER**

The instant appeal is directed against the judgment and order passed by the High Court of Delhi dated 29th July, 2016 setting aside the punishment imposed upon the respondent by order dated 15th January, 2013.

The respondent was tried by the Summary Security Force Court (SSFC) on a charge initiated against him under Section 40 of the Border Security Force Act, 1968 (for short 'the BSF Act') and on being found guilty of the charge in the first instance, sentenced to dismissal from service by an order dated 5th June, 2012. The order penalty of dismissal from service dated 5th June, 2012 came to be challenged by the respondent by filing a statutory appeal.

While upholding the nature of guilt, the authority, after taking into consideration the long tenure of 24 years' unblemished service record and 17 rewards to his credit, modified the punishment to grant him 50% pension with gratuity, which would have been admissible if he had retired from compensation pension under the provisions of Rule 41 of CCS (Pension) Rules, 1972.

The order passed by the Director General, BSF became the subject matter of challenge at his instance by filing a petition under Article 226/227 of the Constitution before the High Court of Delhi.

The High Court under the impugned judgment, after considering the entire record of enquiry and the order passed by the authorities dated 15th January, 2013 into consideration, came to the conclusion that it is a case of no evidence and there was no semblance of evidence in upholding the finding of guilt recorded by the competent authority. Proceeding on the said premise, the order passed by the authority inflicting penalty upon the respondent dated 15th January, 2013 came to set aside by judgment dated 29th July, 2016 which is the subject matter of appeal before us at the instance of the Union of India.

After having heard learned Counsel for the parties at length,

we find no reason to interfere in the judgment impugned in the instant appeal.

Consequently, the appeal fails and is dismissed.

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

.....**J.**
(AJAY RASTOGI)

.....**J.**
(ABHAY S. OKA)

NEW DELHI;
FEBRUARY 15, 2022.

ITEM NO.104

COURT NO.13

SECTION XIV-A

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). 2482/2017

UNION OF INDIA & ANR.

APPELLANT(S)

VERSUS

RAMESH CHANDER

RESPONDENT(S)

Date : 15-02-2022 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE ABHAY S. OKA

For Appellant(s)

Mr. Tushar Mehta, Ld. SG
Mr. Balbir Singh, ASG
Mr. K.M. Nataraj, ASG
Mr. Bhuvan Misra, Adv.
Mr. Navanjay Mahapatra, Adv.
Ms. Meena Devi, Adv.
Mr. Arvind Kumar Sharma, AOR

For Respondent(s)

Dr. Surender Singh Hooda, AOR
Mr. Aayushman Aeron, Adv.
Mr. Aditya Hooda, Adv.

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

Appeal is dismissed in terms of the signed order.

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

(POOJA SHARMA)
COURT MASTER (SH)

(BEENA JOLLY)
COURT MASTER (NSH)

(Signed order is placed on the file.)