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Court No. !.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration (T.A.) No. 1283 of 1987.

Chandra Deo Sharma

Versus ....

Petitioner.

Union of India & others

....

Respondents.

Hon'ble S. Zaheer Hasan, V.C.  
Hon'ble Ajay Johri, A.M.

This writ petition was filed by Chandra Deo Sharma in the Hon'ble High Court of Judicature at Allahabad and it has been received on transfer to this Tribunal under Section 29 of the Administrative Tribunals Act XIII of 1985.

2. A joint departmental enquiry was held against the petitioner, Chandra Deo Sharma, and Anand Swaroop Sharma and both of them were dismissed from service. Anand Swaroop Sharma went in appeal before the Hon'ble Supreme Court and the Hon'ble Bench passed the following orders :-

"We have heard the learned counsel for the parties. Taking into account all the facts and circumstances of the case and also the quantum of punishment imposed on the others involved in the same incident, we feel that the order of termination of service dated 21.7.1981 served on the appellant should be set aside and the respondents should be directed to reinstate the appellant in service without any back wages but without any break in the continuity of service. The denial of back wages for over six years appears to us to be a reasonable punishment in this case. We order accordingly. The appellant shall be reinstated in service as stated above within one month. The appeal is disposed of accordingly with no order as to costs."

3. Since both the persons were jointly tried in the departmental enquiry, the cases of both the aforesaid persons appears

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to be similar. So taking into account all the facts and circumstances of the case and also the quantum of punishment imposed on the others involved in this incident, we feel that the order of termination of service should be set aside and the respondents should be directed to reinstate the petitioner in service without any back wages but without any break in the continuity of service. This order will be complied within one month from receipt of the same by the department. Parties to bear their own costs.

*3/9/83 J. J. E.*

MEMBER (A).

*J. J. E.*  
VICE-CHAIRMAN.

Dated: March 25, 1983.

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