

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

Civil Appeal No. 3647 of 2015  
(Arising out of SLP(C) No.18131/2014)

Prathvi Raj Sharma Appellant(s)

VERSUS

State of U.P. & Ors. Respondent(s)

O R D E R

Delay condoned.

Leave granted.

The appellant was dismissed from service on 21.07.2000 on the ground that he was absent without leave for a period of 11 days. The appellant has challenged his dismissal.

While dismissing the petition filed by the appellant in the High Court, it was noticed that the punishment awarded to the appellant is disproportionate to the misconduct said to have been committed by him. But, the High Court did not go into this issue even though it noted that the appellant, who was working as a Constable, had actually deposited his weapon in a safe place while going on leave.

We are in agreement with the High Court that the punishment awarded to the appellant is disproportionate considering the fact that he left suddenly since there was a dispute in his village in which his wife was injured.

Looking to the facts and circumstances of the case, we are of the opinion that the punishment of dismissal may be set aside and the appellant may be taken back into service as a fresh recruit within two months from today. We order accordingly. The appeal is disposed of on the above terms.

(MADAN B. LOKUR)  
(ADARSH KUMAR GOEL)

NEW DELHI  
APRIL 13, 2015

ITEM NO. 66  
COURT NO. 9  
SECTION XI

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition (s) for Special Leave to Appeal (C) No(s).18131/2014 (Arising out of impugned final judgment and order dated 30/04/2012 in SA No. 755/2012 passed by the High Court of Judicature at Allahabad)

PRATHVI RAJ SHARMA Petitioner(s)

VERSUS

STATE OF U.P. & ORS. Respondent(s)

(With appln. (s) for c/delay in filing SLP)

Date: 13/04/2015

This petition was called on for hearing today.

CORAM:

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Petitioner (s) Mr. Anuj Aggarwal, Adv.  
Mr. Vipin Kumar Jai, AOR

For Respondent (s) Mr. Arvind Varma, Sr. Adv.  
Mr. Ravi Prakash Mehrotra, AOR  
Mr. Kabir Dixit, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Delay condoned.

Leave granted.

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

(SANJAY KUMAR-I)  
COURT MASTER

(TAPAN KUMAR CHAKRABORTY)  
COURT MASTER

Signed order is placed on the file