

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5324 of 2017
(Arising out of SLP(C) No.7520 of 2016)

RAM PAL SINGH

Appellant(s)

VERSUS

STATE OF U.P. AND ORS

Respondent(s)

O R D E R

Leave granted.

This appeal arises out of Judgment and order dated 19th March, 2015 passed by the Division Bench of the High Court of Judicature at Allahabad in Writ-A No.11288 of 2015.

Heard learned counsel for the parties.

The appellant was serving as a constable in the Provincial Arms Constabulary in Uttar Pradesh Police from July 1988. However, in the year 1996 he was chargesheeted for absence from duties and after the enquiry, on the said charge being established, Order dated 31st May, 1996 was passed dismissing him from service.

The appellant challenged the order of dismissal and succeeded before the State Public Service Tribunal on 2nd September, 2004. On that basis, he again joined service and served till 2014. Since the order of the Tribunal was challenged before the High Court and the High Court remanded

Signature Not Verified

Digitally signed by
MAHAR SINGH
Date: 2022.09.22
13:01:34 IST
Reason: 

the matter to the Tribunal, the Tribunal finally dismissed the claim of the appellant.

Having regard to the peculiar facts and circumstances of the case that the appellant having served for about 17 years, we are of the view that order of dismissal dated 31st May, 1996 ought to be treated as order of compulsory retirement. The service which the appellant had rendered subsequently may also be taken into account for counting terminal benefits which may be paid to the appellant w.e.f. 1st May, 2017, by taking the date as compulsory retirement as 31st May, 1996. We make it clear that the appellant will not be entitled to any arrears.

The appeal is allowed in above terms. No costs.

Pending applications, if any, shall also stand disposed of.

.....J.
(ADARSH KUMAR GOEL)

.....J.
(UDAY UMESH LALIT)

New Delhi,
APRIL 17, 2017.

ITEM NO.62

COURT NO.13

SECTION XI

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). 7520/2016

(Arising out of impugned final judgment and order dated 19/03/2015 in WA No. 11288/2015 passed by the High Court Of Judicature at Allahabad)

RAM PAL SINGH

Petitioner(s)

VERSUS

STATE OF U.P. AND ORS

Respondent(s)

(With office report)

Date : 17/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALIT

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

For Respondent(s) Mr. Ravi Prakash Mehrotra, Adv.
Mr. Sudeep Kumar, Adv.
Ms. Manisha, Adv.

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

Leave granted.

In terms of the signed order, appeal is allowed.

(MAHABIR SINGH)
COURT MASTER

(VEENA KHERA)
COURT MASTER

(Signed order is placed on the file)