

**TITLE: SC RESTORED THE POSITION OF DISMISSED CONSTABLE,
ALLEGED FOR ALTERING THE AGE FOR GAINING A JOB; BY
PROVIDING THAT THE EVIDENCE I.E., 8TH CLASS MARKSHEET WAS
NOT EXAMINED PROPERLY BY THE DEPARTMENT, WHERE AGE
PROVIDED IS SAME**

Case Facts and Findings:

- i. Petitioner: Ram Lal, a constable with the Rajasthan Armed Constabulary, was dismissed from service for allegedly falsifying his date of birth to gain employment.
- ii. Accusations: Altering his date of birth in school records to meet the age requirement for recruitment.
- iii. Disciplinary Action: Ram Lal was found guilty by a disciplinary panel and dismissed from his position. He was also convicted under Section 420 of the Indian Penal Code (IPC) i.e., cheating and dishonesty inducing delivery of property and sentenced to three years imprisonment.
- iv. Acquittal: The Appellate Court acquitted Ram Lal of the criminal charges. Following this, he filed a writ petition in the High Court seeking to quash the dismissal order and for reinstatement, which was dismissed.

Issues Raised:

1. Was the appellant's dismissal from service according to the departmental enquiry justified?
2. What is the effect of the acquittal, given by the Appellate Judge in the criminal trial, on the order of dismissal passed in the departmental enquiry?

Precedents Used for Support:

1. *State Bank of India vs. A.G.D. Reddy, 2023: INSC: 766:*
 - Emphasized the limited scope of judicial review concerning decisions of disciplinary authorities.
 - Courts can interfere if it is found that material evidence was ignored by the disciplinary authority.

2. *Joseph Shine vs. Union of India:*

- Established that certain acts might not be 'criminal' but could still be 'civil wrongs' justifying disciplinary actions.

Laws and Acts Used:

1. *Section 420 of the Indian Penal Code (IPC):*
 - Pertains to cheating and dishonestly inducing delivery of property.
2. *Rajasthan Civil Services (Classification, Control, and Appeal) Rules, 1958:*
 - Governs the procedures for disciplinary actions against government servants.
3. *Rajasthan Civil Services (Conduct) Rules, 1971:*
 - Prescribes the code of conduct for government employees in their professional and private lives.

Decisions of All the Courts:

1. *Disciplinary Authority:*
 - Found Ram Lal guilty of falsifying his date of birth and dismissed him from service.
2. *Appellate Authority:*
 - Upheld the dismissal, maintaining that Ram Lal violated the eligibility criteria by altering his date of birth.
3. *High Court:*
 - Dismissed Ram Lal's writ petition, emphasizing the different standards of proof in criminal and departmental proceedings.
4. *Supreme Court:*
 - The Supreme Court observed that the disciplinary authority ignored crucial evidence, including the 8th class mark sheet and witness testimonies.
 - Highlighted that an acquittal in criminal proceedings does not automatically lead to reinstatement but can influence judicial review if the evidence and charges are identical.

- Set aside the disciplinary action and ordered reinstatement with 50% back wages.

Conclusive Brief of the Decision:

The Supreme Court ruled that the disciplinary authority had overlooked critical evidence and failed to conduct a fair and just enquiry. The Court emphasized that the acquittal in the criminal case, which was based on a thorough examination of the evidence, indicated the prosecution's failure to prove the charges. Given the identical nature of the charges and evidence in both the criminal and departmental proceedings, the disciplinary action was deemed untenable. Consequently, the Supreme Court set aside the dismissal order, the Appellate Authority's decision, and subsequent orders refusing reconsideration and review. Ram Lal was ordered to be reinstated with 50% back wages.

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