IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). OF 2025
(Arising out of SLP(C)No(s). 22224/2023)

DIRECTOR MARKETING OF AGRICULTURAL & ORS. APPELLANT(S)

VERSUS

D. KHASIM SAHEB RESPONDENT(S)

O R D E R

Leave granted.

2. Heard learned counsel appearing for the parties.

3. This appeal has been filed by the Director of Marketing of Agricultural Department and its officials challenging the order dated 02.05.2023 of the Division Bench of the Andhra Pradesh High Court.

4. The brief facts of the case are that the sole respondent was appointed as a typist in the Agricultural Market Committee of Nandikotkur in Kurnool District in the year 1976. He faced disciplinary proceedings in the year 1988 and the principal charge against the respondent is that he has printed duplicate cash receipt books of the Agricultural Market Committee, Nandikotkur and by using those duplicate and forged receipt books, he has embezzled a sum of Rupees Rs.69,746.80. This charge stood proved against the respondent in a departmental proceeding and he was dismissed from service vide order dated 25.04.1995. The respondent never challenged this order of dismissal from service earlier. Meanwhile, against the same set of charges an FIR bearing Crime No.51/1988 was filed against the

respondent which was registered at police station Nandikotkur for the offence punishable under Section 409 of the Indian Penal Code, where he was acquitted in trial. All the same, the respondent never challenged the order from dismissal of service but filed an original application before the Andhra Pradesh Administrative Tribunal (for short "the Tribunal") only after he was acquitted by the Trial Court at Nandikotkur in a criminal proceeding bearing CC No.141/1990. The only ground which he has raised before the Tribunal was that since he has been acquitted by the Criminal Court where he has faced the criminal proceeding against the same set of charges, on acquittal, he is liable to be reinstated in service. The Tribunal dismissed the original application. There was definitely an observation by the Tribunal about the inordinate delay with which that application was filed before the Tribunal and admittedly there was a delay of more than 2 ½ years which has not been explained except that he has come to the Tribunal only after he was acquitted by the Criminal Court. All the same, the Tribunal has also appreciated the facts of the case and came to the conclusion that it is not a case which requires any interference from the Tribunal considering the fact that he has caused huge loss to the department concerned and he had admitted before the inquiry committee about the charge that he has forged duplicate receipt books. Be that as it may, this order of the Tribunal was challenged by the respondent before the Division Bench of the Andhra Pradesh

High Court which allowed the writ petition purely on the ground that now, since the respondent (petitioner before the High Court) has been acquitted by the Criminal Court where the criminal trial of the same set of charges on which a departmental proceeding was also initiated against him, he is liable to be acquitted.

5. Learned counsel for the respondent relied upon the two judgments of this Court in the case of G.M.Tank vs. State of Gujarat reported in 2006 (5) SCC 446 and in the case of Ram Lal vs. State of Rajasthan & Ors. reported in 2024(1) SCC 175, respectively.

6. We however, completely disagree with the findings of the High Court on this important aspect. Merely because the respondent has been acquitted by a Criminal Court that alone would not result in his reinstatement in service when he has been dismissed from service after a departmental proceeding. This is for the simple reason that the standard of proof and the appreciation of evidence in a departmental proceeding is entirely different from that in a Criminal Court of law. Whereas in a Criminal Court the prosecution has to prove its case beyond reasonable doubt, in departmental proceedings, the prosecution has to only prove its case on preponderance of probabilities, for which there was enough evidence for the purposes of a departmental enquiry.

7. There is long-line of judgments of this Court reiterating this position of law starting with Union of India vs Bihari Lal Sidhana (1997) 4 SCC 385, The Deputy

Inspector General of Police and Ors. vs S. Samuthiram (2013) 1 SCC 598 and Karnataka Power Transmission Corporation Limited vs. C. Nagaraju and Ors. (2019) 10 SCC 367

8. Under these circumstances, we totally disagree with the finding of the Division Bench of the Andhra Pradesh High Court. Consequently, we allow this appeal and set aside the order dated 02.05.2023 of the Andhra Pradesh High court.

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

.....J.
[SUDHANSHU DHULIA]

.....J.
[AHSANUDDIN AMANULLAH]

New Delhi;
February 13, 2025.

ITEM NO.18 COURT NO.12 SECTION XII-A

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

Petition for Special Leave to Appeal (C) No. 22224/2023

[Arising out of impugned final judgment and order dated 02-05-2023 in WP No. 23373/2003 passed by the High Court of Andhra Pradesh at Amravati]

DIRECTOR MARKETING OF AGRICULTURAL & ORS. PETITIONER(S)

VERSUS

D. KHASIM SAHEB RESPONDENT(S)

(IA No. 186383/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 13-02-2025 This matter was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE SUDHANSHU DHULIA
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. Sahil Bhalaik, AOR
Mr. Tushar Giri, Adv.
Mr. Siddharth Anil Khanna, Adv.
Mr. Ritik Arora, Adv.
Mr. Shivam Mishra, Adv.
Mr. Gowtham Polanki, Adv.
Mr. Murshlin Ansari, Adv.

For Respondent(s) Mr. Irshad Ahmad, AOR
Mr. Shaik Mohammad Haneef, Adv.
Mr. Suneet Singh, Adv.
Mr. Vijay Kumar, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order, which is placed on the file.

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

(NIRMALA NEGI) (RENU BALA GAMBHIR)
COURT MASTER (SH) ASSISTANT REGISTRAR