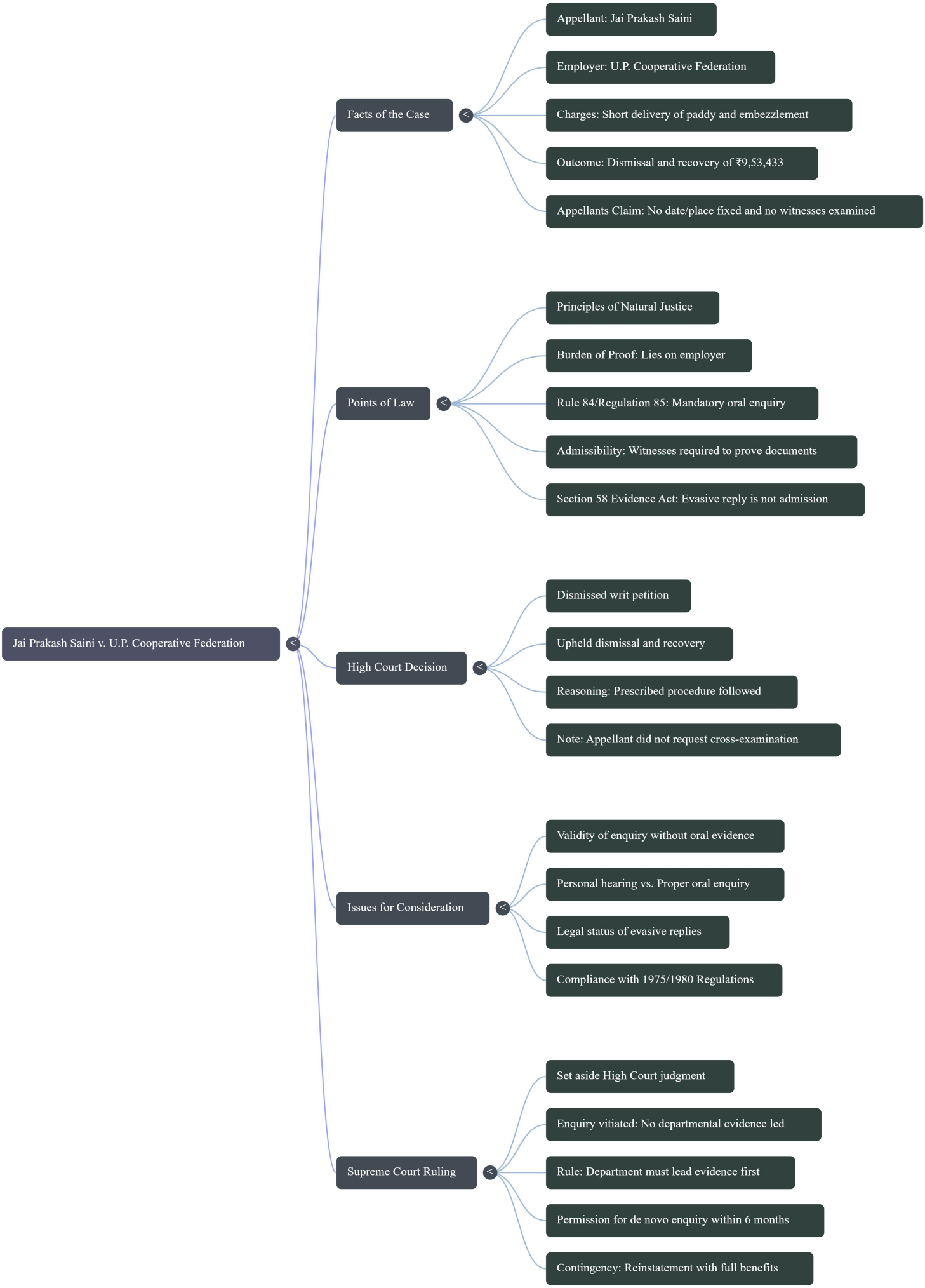
Jai Prakash Saini v. U.P. Cooperative Federation
Facts of the Case
Appellant: Jai Prakash Saini
Employer: U.P. Cooperative Federation
Charges: Short delivery of paddy and embezzlement
Outcome: Dismissal and recovery of ₹9,53,433
Appellants Claim: No date/place fixed and no witnesses examined
Points of Law
Principles of Natural Justice
Burden of Proof: Lies on employer
Rule 84/Regulation 85: Mandatory oral enquiry
Admissibility: Witnesses required to prove documents
Section 58 Evidence Act: Evasive reply is not admission
High Court Decision
Dismissed writ petition
Upheld dismissal and recovery
Reasoning: Prescribed procedure followed
Note: Appellant did not request cross-examination
Issues for Consideration
Validity of enquiry without oral evidence
Personal hearing vs. Proper oral enquiry
Legal status of evasive replies
Compliance with 1975/1980 Regulations
Supreme Court Ruling
Set aside High Court judgment
Enquiry vitiated: No departmental evidence led
Rule: Department must lead evidence first
Permission for de novo enquiry within 6 months
Contingency: Reinstatement with full benefits