

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 (Civil) No(s).4796/2005

(From the judgement and order dated 27/10/2004 in WP No. 5144/2004 of the
HIGH COURT OF JUDICATURE AT ALLAHABAD AT LUCKNOW BENCH)

KRISHNA KUMAR SINGH

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for permission to file additional documents and prayer for interim relief and o
ffice
report)

Date: 27/01/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.K. THAKKER

For Petitioner(s)

Mr. K.V. Balakrishnan, Adv.

Mr. Himinder Lal, Adv.

Ms. T.S. Baghel, Adv.

For Respondent(s) Mr. Praveen Kumar Rai, Adv.

Mr. Santosh Jha, Adv.

Mr. D.K. Singh, Adv.

Mr. Abhijit Sengupta, Adv.

Mr. Vikas Singh, A.S.G.

Mr. Saket Singh, Adv.

Mr. B. Krishna Prasad, Adv.

UPON hearing counsel the Court made the following

O R D E R

The 7th respondent was an accused in the murder of the brother of the

petitioner in an incident which took place on 31st January, 1990. He is an employee of

the Railways, respondents 1 to 6 herein. Trial took more than 13 years and by judgment

and order dated 25th April, 2003, 7th respondent was convicted of offence under Section

302 I.P.C. and life imprisonment was imposed on him. It resulted in the order of

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deemed suspension against him on 1st May, 2003. In an appeal filed by the 7th

respondent before the High Court challenging his conviction and sentence, the sentence

was suspended by the High Court by order dated 13th June, 2003. Within a week, i.e. on

20th June, 2003, 7th respondent has been reinstated in service. The writ petition filed by

the petitioner before the High Court praying that respondent No.7 who has been

convicted in a crime under Section 302 I.P.C. may not be allowed to perform any activity

and disciplinary action be taken against him immediately has been dismissed by the High

Court only on the ground that the petitioner has no legal right to file the petition. These

are the circumstances under which this petition has been filed.

Respondent Nos.1-6 have filed a brief counter affidavit. We have asked the

learned Additional Solicitor General as to in how many cases where a government

employee is convicted and sentenced and his sentence is suspended pending appeal, the

government official is reinstated. We would like to have this information for last few

years. Learned counsel submits that he will have to take instructions. We direct

respondent Nos.1-6 to file, within three weeks, an affidavit on the aforesaid aspects,

particularly, dealing with those employees who may have been convicted for offence

under Section 302 I.P.C. The particulars of employees who may have been convicted for

other offences and sentenced and who may have been reinstated or not reinstated on

their sentences being suspended in appeal shall also be furnished.

The matter is adjourned for three weeks.

(N. Annapurna)

Court Master

(V.P. Tyagi)

Court Master