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C.A.No. 3262 OF 2003
ITEM No.6

Court No. 2

SECTION XI

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

I.A. No. 3 In
Civil Appeal No.3262/2003

STATE OF U.P. AND ORS.

Appellant (s)

VERSUS

R.S. KHAN Respondent (s)
(for modification of the order dated 7.4.2003)
With I.A. No. 6 In
C.A.No.3263/2003
(for modification of the order dated 7.4.2003)
(With I.A. Nos. 7-8- appln. for permission to file addl. documents)

Date : 08/08/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE G.P. MATHUR

For Appellant (s) Mr. Garvesh Kabra, Adv.
Mr. Ravi P Mehrotra, Adv.

For Respondent (s) Mr. M.N. Krishnamani, Sr. Adv.
CA 3263 Dr. Meera Agarwal, Adv.
Mr. R.C. Mishra, Adv.
Mr. V.J. Francis, Adv.

CA 3262 Mr. T.L.V. Iyer, Sr. Adv.
Mr. V.J. Francis, Adv.
Mr. B.L. Sukia, Adv.
Mr. P.I. Jose, Adv.
Mr. Jenis, Adv.

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

The appeals are disposed of in terms of the signed order.
I.A. Nos. 3 and 6 in these appeals do not survive in the light of the order passed in the appeals.

Charanjit

[OM Prakash]
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. No. 3 In

CIVIL APPEAL NO. 3262 OF 2003

State of U.P. & Ors.

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Appellant (s)

Versus

R.S. Khan

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Respondent (s)

With
I.A. No. 6 IN C.A. NO. 3263/2003

O R D E R

C.A. No. 3262/2003

The respondent was holding the office of the Chairman of Nagar Palika Parishad, Khurja, Bulandshahar. She was removed from the office under Section 48 (2)(a)(b) of the U.P. Municipalities Act.

The said order was challenged in the High Court. The High Court having examined the matter found that the authorities had not considered the various contentions raised by the respondent nor had given proper reasons in coming to the conclusion that action under the aforesaid provision had to be taken and set aside that order. Hence this appeal by the State.

When the High Court came to the conclusion that the State Government had not acted in conformity with the principles of natural justice, the proper course for it was to have set aside the order and remit the matter for fresh examination by the authority concerned. That course having not been adopted by the High Court we adopt that course by modifying the order passed by the High Court to that effect by remitting the matter to the concerned authority for fresh examination. However, the respondent shall not assume the office which she had held but it will be open to the authorities to consider that question on representation to be made within a week from today and decide that matter as well. Let the entire matter be decided within one month from today.

The appeal is disposed of accordingly.

I.A. No. 3 for modification of the order dated 7.4.2003 does not survive in the light of the order passed above and is disposed of.

C.A. NO. 3263/2003

In light of the order passed in C.A. No. 3262/2003, this appeal does not survive and is disposed of as such.

I.A. No 6 for modification of the order dated 7.4.2003 does not survive in the light of the order passed above and is disposed of.

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[S. RAJENDRA BABU

.....J
NEW DELHI,
August 8, 2003.

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[G.P. MATHUR]