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SLP(C)No. 5923 OF 2001

ITEM No.46

Court No. 2

SECTION XIV
A/N MATTER

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.5923/2001

(From the judgement and order dated 19/01/2001 in WA 215/99
of The HIGH COURT OF GAUHATI)

TARUN CH. CHAMUA

Petitioner (s)

VERSUS

STATE OF ASSAM AND ORS.

Respondent (s)

(With Appln(s). for taking additional document on record)

Date : 03/09/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s)

Mr. Shakil Ahmed Syed,Adv.

State of Assam

Mr. Junior Luwang, Adv.
Mr. Asha G. Nair, Adv.
Mr. V.K. Siddharthan, Adv. for
M/s Corporate Law Group, Adv.

For Respondent (s)

Mr. P.K. Goswami, Sr. Adv.
Mr. Rajiv Mehta, Adv.

UPON hearing counsel the Court made the following

O R D E R

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.SP2

Leave granted.
The appeal is allowed.

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Kalyani. (S.L. GOYAL)@@
AAA
COURT MASTER @@
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(Signed Order is placed on the file.)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2001@@
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(Arising out of S.L.P.(C) No.5923 of 2001)

Tarun Ch. Chamua Appellant

Versus

State of Assam and Ors. Respondents

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Leave granted.

One of the contentions raised in the present case pertains to the validity of the order dated 23rd February, 2001 whereby the appellant who had been placed under suspension in the year 2000 was dismissed from service.

It is an admitted case that no inquiry was held against the appellant even though in the order placing him under suspension the reasons for doing so were mentioned. Presumably, the appellant was placed under suspension in contemplation of disciplinary action which must have been proposed against him. But no inquiry was held and the appellant was dismissed from service in the year 2001, even though he had been appointed over 18 years earlier, that is to say, in the year 1982.

Without going into the other aspects of the case, namely, the validity of the order of the State Government ...2/-

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reinstating respondent No. 5, the allegation being that such an order was arbitrary, only on the ground that principles of natural justice have been violated, we allow this appeal and set aside the order of dismissal of the appellant. All the other questions and issues involved in this case are left open.

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.....J
(B.N. KIRPAL)

.....J
(ASHOK BHAN)

New Delhi,
September 3, 2001.