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SLP(C)No. 4448 OF 2004
ITEM No.33

Court No. 1

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.4448/2004
(From the judgement and order dated 03/12/2003 in CW 1116/00
of The HIGH COURT OF DELHI AT N. DELHI)

UNION OF INDIA

Petitioner (s)

VERSUS

PREM KUMAR

Respondent (s)

(With prayer for interim relief)

Date : 23/07/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner (s)Mr. B Datta, ASG
Mr. K S Chauhan, Adv.
Mr. Chand Kiran, Adv.
Mr. V K Burman, Adv.

Mr. P. Parmeswaran,Adv.

For Respondent (s)Mr. G D Gupta, Sr. Adv.
Mr. Shiva Kumar Sinha, Adv.

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

Leave granted.

It is stated by the learned counsel for the parties that the matter is coming up before the High Court on 4.8.2004. Let the parties appear before the High Court on 4.8.2004 on which date the High Court may proceed to hear the matter.

The appeal stands disposed of in terms of the signed order.

(D.P. WALIA) (RADHA R. BHATIA)
COURT MASTER COURT MASTER

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2004
[arising out of SLP(C) No. 4448 of 2004]

Union of India... Appellant

vs.

Prem Kumar... Respondent

O R D E R

Leave granted.

After hearing the learned counsel for the parties, we are satisfied that in the facts and circumstances of the case the High Court was not justified in directing that unless the Union of India complied with the order passed by the Tribunal till then the Union of India, who is the petitioner in the High Court, shall not be heard.

The freedom of the Union of India to take decision in the matter of punishment awardable to the respondent stood partly eclipsed by the order of the Tribunal the compliance whereof was insisted on by the High Court. This would not be fair. In our opinion, the High Court should not have insisted on the order of the Tribunal being complied with before hearing Union of India, the petitioner before it, on merits.

The impugned order of the High Court dated 3.12.2003 is set aside to the extent indicated hereinaabove.

It is stated by the learned counsel for the parties that the matter is coming up before the High Court on 4.8.2004. Let the parties appear before the High Court on 4.8.2004 on which date the High Court may proceed to hear the matter.

The appeal stands disposed of.

.....CJI

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(G.P. MATHUR)

New Delhi;
July 23, 2004.