

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S
C I V I L A P P E A L N O (s) . 7 2 6 5 - 7 2 6 7 O F 2 0 0 5

SUR E S H CHAND R A JA I N

Appellant (s)

VE R S U S

UNION OF INDI A & ORS.

Respondent(s)

(With appln(s) for stay and office report)

WI T H W. P(C) NO. 1 4 6 of 2 0 0 4

(With appln(s) for stay and office report)

Date: 0 1 / 0 8 / 2 0 0 7 These Appeals were called on for hearing today.

CORA M :

HON' B L E MR. JUS T I C E H.K. S E M A

HON' B L E MR. JUS T I C E L O K E S H W A R S I N G H P A N T A

For Appellant(s)

Mr. S.K. Dubey, Sr. Adv.
Mr. B. K . S a t i j a , Adv.
Ms. Pooja, Adv.

For Respondent(s)

Mr. Vikas Singh, ASG
Mr. K. Radha k r i s h n a n , Sr Adv.
Mr. Tufail A. Kha n , Adv.
Mr. P . P a r m e s w a r a n , Adv.

Ms. Vibha Datta Makhija , Adv

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

W. P .(C) No.1 4 6 / 2 0 0 4

T his petition is dismissed in terms of the signed order with a liberty to the petitioner to challenge the impugned order before the appropriate Court or forum on all available legal grounds and contentions.

C.A. NOS. 7 2 6 5 - 7 2 6 7 O F 2 0 0 5

In view of the orders passed in W. P .(C) NO.1 4 6 / 2 0 0 4 , t hese appeals are disposed of as infructuous.

(Ravi P. Verm a)
Court Master

(Anand Singh)
Court Master

[Signed order is placed on the file]

I N T H E S U P R E M E C O U R T O F I N D I A

C I V I L A P P E L L A T E J U R I S D I C T I O N

C I V I L A P P E A L N O . 7 2 6 5 - 7 2 6 7 O F 2 0 0 5

SUR E S H CHAN D R A JA I N
)

.....A P P E L L A N T (S

Versus

UNION OF INDI A AND ORS.
)

.....R E S P O N D E N T (S

O R D E R

W . P . (C) N O . 1 4 6 / 2 0 0 4

In this petition under Article 32 of the Constitution of India, challenge is to the final orders passed by the Central and State Governments compulsorily retiring the petitioner from service. The filing of Article 32 petition is absolutely misconceived. Having realised the futility, the counsel for the petitioner, and rightly so, desires to withdraw this petition with a liberty to approach the appropriate Court/forum.

Accordingly, this petition is dismissed with a liberty to the petitioner to challenge the impugned order before the appropriate Court or forum on all available legal grounds and contentions.

It has been brought to our notice that final order was passed by the Central Government on 22 / 08 / 2003 . Since the

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petitioner was inadvertently prosecuting this petition before this Court, albeit misconceived, the bar of limitation would not operate against the petitioner if he files the application before the appropriate Court or forum within 30 days from today. If, however, the application is filed beyond 30 days from today before the appropriate forum, it will be open to the said forum/ authority to decide the question of delay in accordance with law.

C.A. NOS. 7265 - 7267 OF 2005

In view of the orders passed in W. P. (C) NO.146 / 2004 , these appeals are disposed of as infructuous.

.....J .
(H.K. S E M A)

New Delhi;
August 01, 2007.

.....J .
(L O K E S H W A R S I N G H P A N T A)