

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).9733 OF 2004

(From the judgement and order dated 09/01/2004 in WP No.470/2004
of The HIGH COURT OF A.P. AT HYDERABAD)

COMMNR., ENDOWMENTS DEPARTMENT, A.P. & ANR.

Petitioner(s)

VERSUS

T. SHIVAJI

Respondent(s)

(With prayer for interim relief and office report)

Date: 07/03/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

HON'BLE MR. JUSTICE A.K. MATHUR

For Petitioner(s)

Mr. Manoj Saxena, Adv.

Mr. Mohan Prasad Meharia, Adv.

Mr. S.K. Mittra, Adv.

Mr. Debojit Borkakati, Adv.

For Respondent(s) Mr. M.N. Rao, Sr. Adv.

Mr. T.N. Rao, Adv.

Mr. A. Ramesh, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

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

(A.S. BISHT)

(PUSHAP LATA BHARD

WAJ)

COURT MASTER

COURT MASTER

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1610 OF 2005

(Arising out of SLP(C) No.9733/2004)

COMMISSIONER, ENFORCEMENT DEPARTMENT, A.P. &
APPELLANT(S)

.....

ANR.

:VERSUS:

T. SHIVAJI
RESPONDENT(S)

.....

O R D E R

Leave granted.

the State Against the Judgment of the High Court affirming the order of

Administrative Tribunal quashing the order of suspension pending

inquiry/investigation, the present appeal has been filed. The Tribunal was of the view

that the instructions dated 26.12.1994 issued in Government Memorandum No.596/Spl.B/2000-6 dated 10.6.2002 were not taken into consideration by the

Government. The Tribunal also made certain observations as regards the need for

suspension which in our view are wholly unwarranted. In regard to the breach of

instructions dated 26.12.1994, prima facie, we do not find any violation of the

instructions of the Government on which reliance has been placed by the Tribunal. No

said particular aspect of violation of the instruction contained in the Government

Memo is brought to our notice.

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er of It is, however, brought to our notice that pursuant to the order of the

Tribunal, the respondent has been reinstated/restored to duty. It is also brought to

our notice that charge-sheet has not been filed so far though nearly three years have

elapsed. In these circumstances, we consider it just and proper to set aside the order

of the Tribunal as affirmed by the High Court and direct the Government to consider

afresh the question as to the need of suspension of the respondent pending

inquiry/investigation independently. The appeal is disposed of accordingly.

.....J

(P. VENKATARAMA REDDI)

.....J

(A.K. MATHUR)

NEW DELHI;

MARCH 07, 2005.