

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s).2845\_ OF 2011  
(arising out of SLP(C)No.7565/2011)

SAT PAL AND OTHERS ...Appellant(s)

VERSUS

KARAN SINGH DALAL AND OTHERS ...Respondent(s)

O R D E R

Leave granted.

This appeal is directed against order dated 16.12.2010 passed by the Division Bench of the High Court in Civil Writ Petition No.15390 of 2002.

In the writ petition filed by them, respondent Nos.1 to 3 prayed for quashing the selection made by the Haryana Public Service Commission for recruitment to the Haryana Civil Services (Executive Branch) and other allied services. During the pendency of the writ petition, the Division Bench of the High Court passed several interlocutory orders including the one impugned in this appeal, the relevant portion of which is extracted below:

"As for the ancillary question posed above, learned counsel for the parties are ad-idem that the matters arising in this group of petitions deserve to be enquired into and by a person/body not from the region. We are of the view that the enquiry should be referred to a retired Hon'ble Judge who would be entitled to take the assistance of any examination expert for instance

2

from a University or the UGC or any other body. Having given our anxious thought to the matter, we request Hon'ble Mr. Justice A.P. Shah, former Chief Justice of the Delhi High Court to go into the allegations, the inspection reports & the objections, and to give his considered opinion as to whether the allegations levelled in the writ petitions regarding favouritism, nepotism and corruption and some documents being left out of consideration, by the examiner or by the report of the State Vigilance Bureau or the inspection reports are made out....."

While issuing notice of the special leave petition on

18.3.2011, this Court had recorded the following order:

"Taken on Board.

This petition is directed against order dated 16.12.2010 passed by the Division Bench of the Punjab and Haryana High Court in Civil Writ Petition No.15390 of 2002.

Shri L.N. Rao, learned senior counsel appearing for the petitioners made a statement that Justice Shri A.P. Shah, former Chief Justice of the Delhi High Court, who was requested by the Punjab and Haryana High Court to go into the allegations, inspection reports and the objections and give his considered opinion on the issues of favouritism, nepotism and corruption in the selection made by the Haryana Public Service Commission, has expressed his inability to do so.

In view of the above, we feel that it will be in the interest of the parties that the writ petition is finally disposed of by the High Court at the earliest in light of the pleadings and records already produced and/or the records which may be summoned by the High Court from the

3

State Government, the Haryana Public Service Commission and other concerned agencies.

Issue notice to respondent nos.1 to 3, returnable by 31st March, 2011, to show cause as to why leave may not be granted and the High Court may not be requested to finally dispose of the writ petitions filed by them without outsourcing inquiry to any other person. Dasti, in addition, is permitted.

A copy of this order be served upon respondent Nos. 1 to 3 along with the notice."

Shri Mohan Jain, learned senior counsel appearing for respondent nos.1 to 3 very fairly stated that the appeal may be disposed of in terms of paragraph 4 of the aforesaid order.

In view of the above, the appeal is disposed of with a request to the High Court to decide the pending writ petition as early as possible without requesting any other judicial or non-judicial functionary to look into the records and give its opinion.

.....J.  
(G.S. SINGHVI)

.....J.  
(ASOK KUMAR GANGULY)

NEW DELHI,

MARCH 31, 2011.

4

ITEM NO.2

COURT NO.11

SECTION IVB

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).7565/2011

(From the judgement and order dated 16/12/2010 in CWP No.  
15390/2002 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SAT PAL & ORS.

Petitioner(s)

VERSUS

KARAN SINGH DALAL & ORS.

Respondent(s)

(With prayer for interim relief)

Date: 31/03/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. L. Nageswar Rao, Sr.Adv.  
Mr. Aditya Kr. Chaudhary, Adv.  
Mr. Dharmendra Kumar Sinha,Adv.

For Respondent(s) Mr. Mohan Jain, Sr. Adv.  
Mr. Ashok Kumar Singh, Adv.  
Mr. D.K. Thakur, Adv.  
Mr. Deepak Jain, Adv.  
Ms. Yogita Yadav, Adv.

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

Leave granted.  
In terms of the signed order, the appeal is  
disposed of.

(A.D. Sharma)  
Court Master

(Phoolan Wati Arora)  
Court Master

(Signed Order is placed on the file)