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SLP(Crl.)No. 2238 OF 1995
ITEM No.1

Court No. 8

SECTION IIA
A/N MATTER

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

Crl. M.P. No. 5767 & 5768/2000 In
Petition(s) for Special Leave to Appeal (Crl.) No. 2238/1995

(From the judgment and order dated 13.2.1995 passed in
CWP 9899/94 of the High Court of Punjab & Haryana at Chandigarh)

CHAMAN LAL SARAF (DEAD)BY LRS. & ORS.

Petitioner (s)

VERSUS

STATE OF HARYANA & ORS

Respondent (s)

(for restoration and c/delay in filing application for
restoration) (With Office Report)

Date : 14/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.P. MISRA
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s)

Mr. Navin Chawla,Adv.

For Respondent (s)

Mr. Mahabir Singh,Adv.
Mr. Prem Nath Malhotra,Adv.(N.P)
Mr. S. Srinivasan,Adv.(N.P)

UPON hearing counsel the Court made the following
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The Crl.M.Ps are disposed of.

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(Ganga Thakur)
P.S.to Registrar

(V.P. Tyagi)
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRL.M.P. NOS.5767 & 5768 OF 2000@@

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IN@@
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SPECIAL LEAVE PETITION (CRL.) NO.2238/95@@
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CHAMAN LAL SARAF (DEAD) BY LRS. ...APPELLANTS
& ORS.

VERSUS

STATE OF HARYANA & ORS. ...RESPONDENTS

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Delay condoned.
Heard learned counsel for the parties.
Initially when the SLP itself was filed by the applicant, on the following statement given by the learned counsel appearing for the petitioner the SLP was disposed of.

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"Since appropriate steps have been taken by the Government of Haryana in this matter and the required action has also been taken against the officers found guilty of dereliction of their duties..... in view of these facts it is not necessary to pursue this matter any further keeping in view the attitude of the Government of Haryana to take necessary action itself. The Special Leave Petition is disposed of accordingly."

.SP2
Subsequently it transpires a mercy petition was filed by the concerned officer, against whom the action was sought to be taken and was taken by terminating his

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services was again taken back in service by allowing his mercy petition. This is the cause which led the petitioner to make the present application for the restoration of the aforesaid SLP. When the matter was taken up on the last date this Court passed the following order:

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"At the request of the learned counsel appearing for the State of Haryana adjourned for one week so as to mend its way."

.SP2
After that order an affidavit has been filed by one Rajeev Deepak, Assistant District Attorney, Haryana, Legal Cell which annexed the order passed by the Home Department of Haryana Government which records:

.SP1

"Whereas Shri Ram Phal, inspector of Police RR/63 who was dismissed from service vide order of Director General of Police, Haryana dated 27.4.1996 and who was lateron reinstated and taken back in service by State Government vide letters No.8/47/99-6HG.1 dated 21.1.2000 and 8/47/99-6HG.1 dated 11.12.2000 quashing the orders of Director General of Police, Haryana dated 27.4.1996 and order of Deputy Inspector General of Police, Rohtak Range, Rohtak dated 29.3.1996. The State Government on reconsideration now has decided that the orders issued vide letters Nol.8/47/99-6HG.1 dated 21.1.200 and 8/47/99-6HG.1 dated 11.12.2000 be withdrawn and in consequence thereof Shri Ram Phal, inspector of Police, No.RR/63 (Officiating as DSP) is, hereby, relieved with immediate effect.'

.SP2

As per this order it seems in view of the last order by this Court the State Government has withdrawn the two orders passed in favour of the concerned officer,

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namely, order of reinstatement and the order of dismissal. Learned counsel for the applicant, however, has expressed strong resentment in the manner in which this has happened despite the earlier order passed by this Court as aforesaid. On the other hand learned counsel for the State states that there would not be any such order in future. However, we make it clear that in future if any order of reinstatement is to be passed it should be passed only after seeking approval of this Court. We are observing this only in view of special facts and circumstances of the case.

With the said observations these CrI. M.Ps have been disposed of.

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.....J.
(A.P. MISRA)

New Delhi,
February 14,2001.

.....J.
(S.N. VARIAVA)