

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

BEFORE THE REGISTRAR S.G. SHAH

Petition(s) for Special Leave to Appeal (Civil) No(s).7884/2004

(From the judgement and order dated 15/03/2004 in CMWP No. 374/2004
of The HIGH COURT OF U.P AT LUCKNOW)

STATE OF U.P. & ANR.

Petitioner(s)

VERSUS

SURESH CHAND PANDEY & ORS.

Respondent(s)

(With prayer for interim relief)

Date: 27/02/2007 This Petition was called on for hearing today.

For Petitioner(s) Mr. Vijay Pratap Singh,Adv.
Mr. Praveen Swarup,Adv.

For Respondent(s) Mr. Rajeev Sharma,Adv.

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

Service to respondent No. 4 is not complete till date, though order of issuance of notice by the Hon'ble Court is dated 29.04.2004. For completing the service upon unserved respondent No. 4. Hon'ble Court has directed to take appropriate steps in January, 2006 and thereafter this Court has adjourned the matter for the same on 19.10.2006 and 21.11.2006, when specific direction was given to the petitioner to disclose the proper address of the respondent No. 4 before 7.12.2006 stating that respondent No. 4 is serving under its control. Thereafter, on 18.01.2007, further time was granted till date.

Today, learned Advocate Mr. Vijay Pratap Singh, appearing on behalf of Learned Advocate Mr. Praveen

Swarup, states that because of the change in counsel by the State of U.P., they could not take action till date.

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It is unfortunate that after obtaining the stay against the contempt proceedings, the petitioner has failed to serve the concerned respondent for almost two years. More particularly, when respondent No. 4 is serving under the petitioner as its officer, i.e. not the outsider, for whose address petitioner has to take any pain. It goes without saying that proper address and posting of the respondent No. 4 is very well within the knowledge of the petitioners. Even after such specific knowledge about the address and posting of respondent No. 4, petitioner has failed to serve the respondent No. 4 for all these two years.

Considering the above facts, matter is required to be listed before Hon'ble Judge-in-Chamber for appropriate orders regarding non-prosecution against respondent No. 4 by the petitioner. More particularly, because of the observation of the Hon'ble Court in order dated 29.04.2004, which reads as under:

"We are not satisfied with the explanation of the delay given before the Tribunal. The counsel for the petitioners to ascertain at whose instance delay was caused."

Matter be listed before the Hon'ble Judge-in-Chamber. However, petitioner may serve the respondent No. 4 before such listing, if they so desire, as per earlier orders passed by this Court

regarding dasti service and regarding issuance of
fresh notice on supply of proper address by the
petitioner.

(S.G. SHAH)

Registrar