

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

CIVIL APPEAL NO(s). 3311 OF 2010

COMPROLLER & AUDITOR GEN.OF INDIA & ORS Appellant (s)

VERSUS

YASH PAL GUPTA Respondent(s)

(With prayer for interim relief and office report)

Date: 01/09/2011 This Appeal was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Appellant(s) Mr.P.P.Malhotra, ASG
Mr. T.S.Doabia, Sr. Adv.
Ms. Binu Tamta, Adv.
Ms.S.Usha Reddy, Adv.for
Ms. Sushma Suri,Adv.

For Respondent(s) Dr. Harish Uppal, Adv.
Mr. A.D. Sikri,Adv.
Ms. Pushpa Devi Sikri, Adv.
Mr. Tileshwar Singh, Adv.
Mr. V.S.Pandey, Adv.

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

The Appeal is allowed in terms of the signed order.

(Parveen Kr. Chawla)
Court Master

(Indu Satija)
Court Master

[signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3311 OF 2010

Comptroller & Auditor General of India & Ors. ..Appellants

versus

Yash Pal Gupta ..Respondent

O R D E R

Heard learned counsel for the parties.

This Appeal has been filed against the impugned judgment and order dated 03rd September, 2008 passed by the High Court of Himachal Pradesh at Shimla in Civil Writ Petition No. 1392 of 2002.

The facts have been set out in the impugned judgment and hence we are not repeating the same here.

Admittedly, the respondent has retired. Moreover, the post of Audit Officer was not identified under Section 33 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

For the reasons given above, the appeal is allowed and the impugned judgment of the High Court is set aside.

No costs.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
September 01, 2011

.....J.
[CHANDRAMAULI KR. PRASAD]