

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6571 OF 2004

D.C. CHAUHAN

APPELLANT(S)

VERSUS

HARYANA TOURISM CORPORATION LTD. AND ORS.  
ONDENT

RESP

(S)

O R D E R

By reason of the impugned order dated 13.2.2003, a Division Bench of the

High Court has dismissed summarily the writ petition filed by Appellant herein.

In his writ petition Appellant has inter alia questioned the orders dated 30.6.2000

passed by the Disciplinary Authority relying upon and on the basis of an Inquiry

Report submitted by respondent No.4, holding the appellant guilty of the charges

of misconduct levelled against him and the order dated 21.11.2001 passed by the

Appellate Authority dismissing the appeal. A copy of the writ petition filed by

Appellant herein has been placed before us, from a perusal whereof it appears that

a contention was raised to the effect that although one Mr. Deepak Ambwani,

DGM, was appointed as Inquiry Officer, he was replaced subsequently by one Mr.

H.S. Diwan, who according to Appellant was biased against him. Appellant had

made a representation before the Managing Director that Mr. Deepak Ambwani

may be allowed to continue as the Inquiry Officer, in place of Mr. H.S. Diwan.

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Appellant had also filed an application before the Inquiry Officer for being

represented by a legal practitioner inter alia on the ground that he was ill.

Before the High Court, Appellant herein inter alia has raised the question

of bias as against Mr. Diwan. He was also arrayed as a party in his personal

capacity. We are of the opinion that at least a rule should have been issued by the

High Court so as to enable Respondent No.4 to controvert the allegations of bias

made against him. We are, therefore, of the opinion that those aspects of the

matter having not been considered by the High Court, interest of justice would be

subservied if the impugned judgment is set aside and the matter is remitted to it

with a direction to issue rule. We direct accordingly. Respondents herein would be

entitled to file their counter affidavits. Respondent-Corporation, if it so desires,

may also place on record the inquiry proceedings before the High Court.

Keeping in view the fact that the matter is pending for a long time, we

would request the High Court to consider the desirability of disposing of the

matter as expeditiously as possible, preferably within a period of six months from

the date of communication of this order.

We may also observe that we have not expressed any opinion on the merit of the matter.

The appeal is disposed of with the aforesaid observations and directions.

.....J

(S.B. SINHA)

.J

.....

(MARKANDEY KATJU)

NEW DELHI;

OCTOBER 10, 2006.

ITEM NO.108

COURT NO.6

SECTION IV

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. 6571 OF 2004

D.C. CHAUHAN

Appellant (s)

VERSUS

HARYANA TOURISM CORP. LTD. & ORS.

Respondent(s)

(With office report)

Date: 10/10/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Appellant(s) Mr. Ajay Majithia,Adv.

Mr. Rajesh Kumar,Adv.

Dr. Kailash Chand,Adv.

For Respondent(s) Mr. Sanjay Jain,Adv

UPON hearing counsel the Court made the following

O R D E R

Heard the learned counsel for the parties quite at length.

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

(A.S. BISHT)

(KHUSHI RAM)

COURT MASTER

MASTER

COURT

(Signed order is placed on the file)