

ITEM NO.9

COURT NO.2

SECTION III

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

Petition(s) for Special Leave to Appeal (C) No(s). 8993/2022

(Arising out of impugned final judgment and order dated 25-02-2022 in SCA No. 15370/2021 passed by the High Court Of Gujarat At Ahmedabad)

KULDIP N. SHARMA

Petitioner(s)

VERSUS

STATE OF GUJARAT & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.72620/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 12-07-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Petitioner(s) Mr. Kuldip N. Sharma, Petitioner-in-person

Mr. Varinder Kumar Sharma, AOR

For Respondent(s) Mr. Tushar Mehta, SG
Ms. Deepanwita Priyanka, AOR

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

Mr. Varinder Kumar Sharma, learned Advocate on Record who had filed the instant petition has sought discharge from the matter submitting inter alia that the petitioner is desirous of arguing the matter himself. We, accordingly, discharge the learned advocate from the instant proceedings.

We have heard Mr. Kuldip N. Sharma, who has appeared in person and advanced submissions quite ably.

The challenge raised by the petitioner to the Charge-Memo which was served upon him sometime in the year 2012, was almost 7 years after the service of Charge-Memo. Because of enormous delay, the challenge was negated by the High Court. However, while doing so, the High Court in paragraph 8 of its order had made following observations:

"8. It would not be out of place to mention at this stage the factual aspects submitted by learned Government Pleader with regard to the status of the proceedings of departmental inquiry against the petitioner. In the departmental inquiry which was conducted against the petitioner, Presiding Officer submitted his statement to the Inquiry Officer on 4.10.2021. The closing brief, copies of the proceedings and the witness statements have been sent to the petitioner giving him the time to file the reply and the defence statement. On 20.8.2021 Inquiry Officer submitted his report dated 18.11.2021 to the State. The said report of the Inquiry Officers has been forwarded to the petitioner on 21.11.2021. Against that the petitioner has submitted his written representation under Rule 9(2) of the All India Services (Discipline & Appeal) Rules on 8.12.2021. It may be stated that the petitioner, in his said written representation dated 8.12.2021, has raised and reiterated all the contentions in respect of the alleged infirmities and illegalities in the charge-sheet and the inquiry which were sought to be raised in the present proceedings. The petitioner is not precluded from raising all the contentions in the inquiry to be considered in accordance with law."(Emphasis supplied)

Considering the facts and circumstances on record and the fact that the inquiry against the petitioner has been pending for a while, while reiterating the liberty reserved in the last sentence of paragraph 8 as above, we direct as under:

(a) The pending proceedings in inquiry shall be taken to logical conclusion as early as possible and preferably within six

months from the receipt of the copy of this order.

(b) The petitioner shall be entitled to advance all submissions including those touching upon the correctness and validity of the Charge-Memo.

With these observations, the instant Special Leave Petition is disposed of.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(VIRENDER SINGH)
BRANCH OFFICER