

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).12749/2008

(From the judgement and order dated 14/03/2008 in WP No. 256/2008 of The HIGH COURT OF JUDICATURE AT ALLAHABAD, BENCH AT LUCKNOW)

STATE OF U.P.& ORS.

Petitioner(s)

VERSUS

LAXMI KANT SHUKLA

Respondent(s)

(With appln(s) for vacating stay and prayer for interim relief and office report)
(FOR FINAL DISPOSAL)

Date: 14/11/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

HON'BLE MR. JUSTICE J.M. PANCHAL

For Petitioner(s)

Mr. S.R. Singh, Sr. Adv.
Mr. Shrish Kumar Misra, Adv.
Mr. Pushkin, Adv.
Ms. Sunita Gautam, Adv.
Ms. Malvika Trivedi, Adv.

For Respondent(s)

In-person

UPON hearing counsel the Court made the following
ORDER

The respondent was placed under suspension pending departmental enquiry on 12.2.2008. The petitioner appointed an Enquiry Officer on 19.2.2008. The respondent filed W.P. No.256/2008 challenging the order of suspension and for quashing the order appointing enquiry officer making various allegations about the suitability of the Enquiry Officer. He also sought a direction to restrain the Enquiry Officer from proceeding with the enquiry. The High Court,

.....2.

-2-

ITEM NO.209 COURT NO.8 DATED 14.11.2008contd.

on 14.3.2008, while admitting the writ petition and ordering notice, stayed the orders of suspension dated 12.2.2008 and the order dated 19.2.2008 appointing the enquiry officer.

Feeling aggrieved, the State has filed this SLP. This Court on 16.5.2008, while issuing notice, granted interim stay of the impugned order dated 14.3.2008. Subsequently, on 25.8.2008 this Court directed that the enquiry if proceeded with, as a consequence of the interim order of stay by this Court, final decision imposing penalty shall not be passed until further orders.

The SLP is against the interim order of the High Court and that interim order has been modified by the orders of this Court dated 16.5.2008 and 25.8.2008. Writ petition is still pending. In the circumstances all that is required to be done is to dispose of this SLP with a request to the High Court to dispose of the Writ Petition expeditiously and pending such disposal, continue the interim direction that no final decision imposing any penalty shall be passed until the writ petition is disposed of.

We order accordingly and dispose of this SLP. The contentions of both parties are left open.

(Ravi P. Verma)
Court Master

(Anand Singh)
Court Master