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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 4586-4588 OF 2012
[ARISING OUT OF S.L.P. (C) Nos. 18272-18274 OF 2011]

D.P.S. NAGAL

...
APPELLANT(s)

Versus

STATE OF HARYANA AND OTHERS

...
RESPONDENT(s)

O R D E R

Leave granted.

2. Having heard Mr. Ansar Ahmad Chaudhary, learned counsel for the appellant and Mr. Vikas Sharma, learned counsel for the State of Haryana, we are satisfied that the following remarks made by the High Court in the impugned order were unnecessary:

Now coming to the claim of HUDA that it had legal right to represent itself. Probably, the deponent in the affidavit, namely; Mr. D.P.S. Nagal, Chief Administrator, HUDA considered himself as emperor who only know about his rights. He forgot that he is a public servant who only has to perform certain duties and one of the foremost duty is to work in the best interest of the State or its instrumentality and see that public money is not wasted. The action in the present case is totally to the contrary. This court is constrained to observe that there was no application of mind by any authority before taking a decision to engage a counsel. It was not considered appropriate by them to ascertain before hand as to whether any adverse order could be passed against HUDA in case of its non representation before the Court, especially when it has specifically been impleaded as a proforma respondent in the appeal. In fact, in the appeal, the State sought to take care of the interest of HUDA, which HUDA had not chosen to do, though claimed at the top of the voice in various cases before the court. What has been experienced in number of cases, which came before this court is that in none of the case, wherever HUDA was represented by a counsel, anything was done by him except getting his presence marked. The position is not different even in the proceedings before the court below

3. The above paragraph is expunged from the order of the High Court.

Rest of the order remains as it is.

4. Appeals stand disposed of as above with no order as to costs.

.....J.
(R.M. LODHA)

.....J.
(H.L. GOKHALE)

.....J.
(RANJAN GOGOI)
NEW DELHI
MAY 11, 2012.

ITEM NO.40

COURT NO.7

SECTION IVB

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 (Civil) No(s).18272-18274/2011

(From the judgement and order dated 15/11/2010 in RFA No.2125/2010 dated 27/01/2011 in CM No.650-CI/2011 in RFA No. 2125 of 2010 and dated 16/03/2011 in RA No. 10-CI of 2011 in CM No. 650 of 2011 in RFA No.2125/2010 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

D.P.S.NAGAL

Petitioner(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 11/05/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE H.L. GOKHALE
HON'BLE MR. JUSTICE RANJAN GOGOI

For Petitioner(s)Mr. Ansar Ahmad Chaudhary,Adv.

For Respondent(s)Mr. Vikas Sharma, Adv. for
Mr. Kamal Mohan Gupta, Adv.

Dr. Monika Gusain,Adv.

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

Leave granted.
The appeals are disposed of in terms of signed order.

(Pardeep Kumar)
Court Master

(Renu Diwan)
Court Master

[SIGNED ORDER IS PLACED ON THE FILE]