

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

RECORD OF PROCEEDINGS

CONTEMPT PETITION (C) NO. 271-272/2000 IN S.L.P.(C) 21984-21985/1995

(For preliminary Hearing)

NARESH CHANDRA SHARMA & ORS.

Petitioner(s)

VERSUS

NARESH DAYAL & ORS.

Respondent(s)

(With office report )

Date: 29/11/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE Mr. JUSTICE P.P. NAOLEKAR

For Petitioner(s)

Mr. Dinesh Kumar Garg, Adv.

Mr. B.S. Bilowria, Adv.

Mr. Rohit Pandey, Adv.

Mr. D.K. Gupta, Adv.

Mr. S.K. Bandyopadhyay, Adv.

For Respondent(s)

St. of U.P.:

Mr. Pramod Dayal, Adv.

Ms. Shalini Kumar, Adv.

St. of Uttaranchal: Ms. Rachana Srivastava, Adv.

Mr. Satpal Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

In terms of order dated 6th December, 1999, the State Government was

directed to frame a scheme and take further action according to the scheme within the

time stipulated in the said order. The order dated 29th April, 2002 records the

said statement made on behalf of the State of Uttar Pradesh that the State has

regularized more than thousand Ayurvedic and Unani doctors as per the directions of

this Court. On request made by the learned counsel, four weeks' time was granted to

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file the necessary affidavit. Though nearly three years are going to expire, the affidavit,

in terms of the order dated 29th April, 2002, by the State of Uttar Pradesh has still not

been filed. In the interests of justice, we grant yet another opportunity to file the

affidavit in terms of that order, within a period of four weeks.

Further development after the order dated 6th December, 1999 is that there

has been bifurcation of the State in terms of the U.P. Reorganization Act, 2000, which

came into force on 9th November, 2000, and State of Uttaranchal has come into

existence. Though an affidavit dated 3rd January, 2002 was filed by one Alok Kumar

Jain, Secretary, Medical Education, Government of Uttaranchal, inter alia, stating that

though some doctors are no doubt serving in Uttaranchal State, but as per the Central

Government's order dated 9th November, 2001, they have no locus standi to remain in

Uttaranchal or claim regularization from the Uttaranchal Government. It seems from

that affidavit that there was some controversy as to the service to which the doctors

serving in Uttaranchal belong to.

We direct the State of Uttaranchal to file an affidavit, within four weeks,

placing on record the upto date position with regard to the doctors who may have been

allocated upto now to State of Uttaranchal. The petitioners may respond to the

affidavits which may be filed by States of U.P. and Uttaranchal within four weeks after

filing of those affidavits.

The matters are adjourned.

(N. Annapurna)

Court Master

(V.P. Tyagi)

Court Master