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This appeal is directed against an order passed by the Disciplinary Committee, Bar Council of India on 27th June, 1998 holding the appellatant guilty of professional misconduct and in exercise of powers under Section 35(3) of the Advocates Act, 1961 suspended his licence to practice for a period of two years. At the time when appeal was admitted to hearing, stay of the impugned order was granted.

The facts are not in dispute. The appellatant, while on the rolls of the Bar Council of Maharashtra and Goa, got employment with M/s. Vulcan Leval Ltd. (renamed as Alfa-Laval Ltd.) and also changed his address. He did not give any intimation to the Bar Council of Maharashtra either about the change of address or his joining M/s. Vulcan Leval Ltd as a full time employee. On a complaint made to the Bar Council of Maharashtra by the complainant - Shri N.D. Upadhyay, the State Bar Council took up the complaint but since the proceedings were not completed within a period of one year, the matter was transferred to the Disciplinary Committee, Bar Council of India in terms of Section 36(2) of the Advocates Act, 1961 when the order, challenged before us, came to be made.

A perusal of the complaint shows that there is no averment whatsoever to the effect that during the period when the appellatant joined the services of M/s. Vulcan Leval Ltd. he also continued to practice law. Indeed, it was an obligation on the part of the appellatant to have informed the Bar Council both about the change of his address and his having taken up full time employment, but since there is nothing on the record to show that during that period the appellatant practiced law, the breach of Rule 49 of the Bar Council of India Rules would only be technical. In the established facts and circumstances of the case, the punishment of suspension of the licence was too harsh and uncalled for.

We, therefore, partly allow this appeal and set aside the order suspending the licence of the appellatant to practice for a period of two years and instead reprimand him under Section 35(3)(b) of the Advocates Act, 1961.

The appeal is disposed of in above terms. No costs.

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(R. C. LAHOTI)

.....J.

(K. G. BALAKRISHNAN)

New Delhi
July 18, 2001.