

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).12862/2006

(From the judgement and order dated 08/05/2006 in WP No. 6507/2006 of The
HIGH COURT OF M.P AT JABALPUR)

STATE OF M.P.

Petitioner(s)

VERSUS

SHIV PRASAD PANDEY & ANR.

Respondent(s)

(With appln(s) for exemption from filing O.T.,permission to file additional
documents,directions, prayer for interim relief and office report)

Date: 10/09/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Petitioner(s) Mr. S.K. Dubey, Sr. Adv.
Mr. B.S. Banthia,Adv.
Mr. Vikrant Singh Bais, Adv.

For Respondent(s) Mr. Ravindra Shrivastava, Sr. Adv.
Mr. C.G. Solshe,Adv.
Mr. Kunal Verma, Adv.
Mr. M. Mannan, Adv.
Mr. Rajul Shrivastava, Adv.
Mr. Anshul Garg, Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

This appeal has become infructuous and is, accordingly,
disposed of as infructuous in terms of the signed order. We make it
clear that all the rights and contentions are available to the respondent
to urge in an appropriate forum against the imposition of penalty.

(Ravi P. Verma) (Pushap Lata Bhardwaj)
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4156 OF 2007
[Arising out of SLP(C) No.12862/2006]

STATE OF MADHYA PRADESH

.....APPELLANT(S)

Versus

SHIV PRASAD PANDEY & ANR.

.....RESPONDENT(S)

ORDER

Leave granted.

In this appeal, while issuing notice on 14/8/2006, the order of

the High Court was suspended. It appears that pursuant to the interim order passed by us, the appellant State continued with the enquiry against the respondent. By an order dated 27/7/2007, the penalty of stopping of two salary increments with non-cumulative effect is imposed on the respondent. The order dated 27/7/2007 has created a new cause of action. The respondent is at liberty to challenge the aforesaid order before an appropriate forum.

In view thereof, this appeal has become infructuous and is, accordingly, disposed of as infructuous. We make it clear that all the rights and contentions are available to the respondent to urge in an appropriate forum against the imposition of penalty.

.....J.
(H.K. SEMA)

New Delhi;
September 10, 2007.

.....J.
(LOKESHWAR SINGH PANTA)