

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 5488 OF 2000

STATE OF PUNJAB

Appellant (s)

VERSUS

LAL SINGH AND ORS.

Respondent(s)

(With appln(s) for permission to file additional documents and office report)

WITH SLP(C) NO. 11378 of 2006

(With appln. for permission to place addl. documents on record and prayer for interim relief and

office report)

Civil Appeal NO. 5489 of 2000

(With office report)

Civil Appeal NO. 5490 of 2000

(With office report)

Civil Appeal NO. 5491 of 2000

(With office report)

Civil Appeal NO. 5492 of 2000

(With office report)

Civil Appeal NO. 5493 of 2000

(With office report)

Date: 05/02/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE P. SATHASIVAM

For Appellant(s) Mr. Ajay Pal, Adv.

Mr. Ashok K. Mahajan, Adv.

Mr. Shail Kumar Dwivedi, Adv.

For Respondent(s) Mr. D.N. Ray, Adv.

Mrs. Sumita Ray, Adv.

Mr. Bimal Roy Jad ,Adv

Mr. B.K. Khurana, Adv.

Mr. Sanjay Jain ,Adv

Mr. Raj Kumar Kapoor, Adv.

Mr. Ramesh Chandra Mishra, Adv.

Dr. Meera Agarwal, Adv.

Mr. Prem Sunder Jha, Adv.

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Mr. S.L. Aneja, Adv.

Mr. Yash Pal Dhingra, Adv.

Mr. D. Mahesh Babu, Adv.

Mr. Sudhir Walia, Adv.
Mr. Mahinder Singh Dahiya, Adv.

UPON hearing counsel the Court made the following
ORDER

Heard learned counsel for the parties.

The appeals and special leave petition are disposed
of in terms of the signed order.

(R.K. Dhawan)
Court Master

(Veera Verma)
Court Master

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5488 OF 2000

STATE OF PUNJAB

...APPELLANT

VERSUS

LAL SINGH & ORS.

...RESPONDENTS.

WITH
C.A.NO.5489/2000, C.A.NO.5490/2000,
C.A.NO.5491/2000, C.A.NO.5492/2000,
C.A.NO.5493/2000 AND
S.L.P.(C) NO.11378/2006

ORDER

C.A.NO.5488/2000

This appeal is directed against the judgment of the Division Bench of the Punjab and Haryana High Court. The State of Punjab enacted the Punjab Lokpal Act, 1996 (Punjab Act No.3 of 1997). Section 4 of the Punjab Lokpal Act reads as follows:

1) For the purpose of the conducting enquiries in accordance with the provisions of this Act, the Governor shall by warrant under his hand and seal, appoint a person to be known as Lokpal.

Provided that the Lokpal shall be appointed on the advice of the Chief Minister who shall consult the Speaker of the Punjab Legislative Assembly, and the Chief Justice of India in

case of appointment of a person who is

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or has been a Judge of the Supreme Court or Chief Justice of a High Court, and Chief Justice of Punjab and Haryana High Court in case of appointment of a person who is or has been a Judge of a High Court.

2) Every person appointed as the Lokpal shall, before entering upon his office, take and subscribe, before the Governor, or some person appointed in that behalf by him, an oath of affirmation in the form set out for the purpose in the Schedule.

Subsequent to the enactment Mr. Justice Harbans Singh Rai, retired Judge, was appointed as Lokpal of the State of Punjab. The appointment of Mr. Justice Harbans Singh Rai was challenged by the petitioner mainly on the ground that the appointment was not in accordance with Section 4(1) of the Act. The High Court held that the appointment of Mr. Justice Harbans Singh Rai as Lokpal was ultra vires of Section 4 of the Punjab Lokpal Act, 1996 and as such it was quashed. The State has filed this appeal against the common judgment in the writ petitions. In this appeal it is alleged that the Lokpal appointed under 1996 Act has filed certain reports and they shall be quashed.

Heard learned counsel for the parties.

Mr. Justice Harbans Singh Rai was appointed in 1997 and under Section 6 of the Punjab Lokpal Act, the period of a

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person who is appointed as Lokpal shall hold office for a term of four years after entering the office. Therefore, the appointment if at all continue would have come to an end by 2001. The matter as regards appointment has become infructuous.

Therefore, we make it clear that the State of Punjab may take further steps as per the provisions of 1996 Act for fresh appointment of Lokpal in accordance with the provisions contained in the Punjab Lokpal Act, 1996.

As regards various reports filed by the Lokpal, the Government had already

taken decision to the effect and no further action need to be taken. In this aspect also it becomes infructuous. The entire prayer in the appeals and in the special leave petition has become infructuous, so the appeals and the special leave petition are disposed of accordingly.

.....CJI
(K.G. BALAKRISHNAN)

.....J
(P. SATHASIVAM)

NEW DELHI;
FEBRUARY 5, 2009.