

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

Criminal Appeal No(s).1332/2011

NIRMAL KAUR

Appellant(s)

VERSUS

CAT, PATNA BENCH, PATNA
(With office report)
(For final disposal)

Respondent(s)

Date : 11/02/2016 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIL R. DAVE
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Appellant(s) Ms. P. Ratnamala, Adv.

For Respondent(s) Mr. Ranjit Kumar, SG
Mr. A.K. Sanghi, Sr. Adv.
Ms. Binu Tamta, Adv.
Ms. Kiran Bhardwaj, Adv.
Ms. Sushma Suri, Adv.
Mr. B.V. Balaram Das, Adv. (Not present)

State of Jharkhand Mr. Tapesh Kumar Singh, Adv.

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

The State of Jharkhand is impleaded as a party-Respondent. Mr. Tapesh Kumar, the learned standing counsel appearing on behalf of the State, waives service.

On 25th August, 2009, this Court had delivered its judgment in Writ Petition (Crl.) No. 23 of 2008 [Relating to Criminal Intimidation, In Re Vs. Union of India & Ors., reported in (2009) 8 SCC 252] and Paragraph 17 of the said judgment reads as under :

"17. As the State of Jharkhand (R-2) had conducted a full-fledged enquiry and submitted the report and, considering the fact that the

writ petition and criminal contempt petition are pending in the Jharkhand High Court and in the CAT Bench at Patna, we do not consider it proper to express any opinion as to what action is required to be taken against the erring officers in respect of the said incident. The court/tribunal concerned would proceed in accordance with law and undoubtedly the cases would reach to their logical ends. It is, however, clarified that any observation made hereinabove, would not prejudice the case of either party. It is for the State authorities to decide as to whether Smt. Nirmala Choudhary (R-3) is fit to render any service to the State and if so, in what capacity."

Today it has been submitted by Mr. Ranjit Kumar, the learned Solicitor General appearing for the Union of India, that the State did not take any action in pursuance of the afore-stated directions as operation of the impugned judgment dated 19th May, 2011 passed in CR. CCPA 22 of 2008 (R) by the Central Administrative Tribunal, Patna Bench at Patna, has been stayed by this Court.

We hereby clarify that any order passed by this Court would not prevent the State of Jharkhand from taking an appropriate action against the appellant.

We are sure that the State must have taken some disciplinary action against the appellant and we would like to know as to what action has been taken so far.

If no action has been taken, the State shall take immediate action in accordance with law.

We have also been informed that First Information Report (FIR) No.43/2008 dated 22nd February, 2008 had been lodged against the appellant at Police Station Duranda, wherein the alleged action taken by the appellant has been reported to the authorities. We would also like to know as to what action has been taken in pursuance of the said FIR filed against the appellant.

In the process of taking disciplinary action or any other action, the State of Jharkhand as well as the Union of India will coordinate with each other and take appropriate action at an early date.

The learned Solicitor General has submitted that he would like to update the affidavit proposed to be filed by the Secretary, Ministry of Home Affairs, and will file the updated affidavit within one week from today.

The State of Jharkhand shall file an affidavit through its Chief Secretary, giving complete details with regard to the action taken, within four weeks from today.

List the matter on 15th March, 2016.

(Sarita Purohit)
Court Master

(Sneh Bala Mehra)
Assistant Registrar