

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

Petition(s) for Special Leave to Appeal (Civil) No.20873/1998

(From the judgement and order dated 14/10/1998 in LPA 298/98
of The HIGH COURT OF DELHI AT N. DELHI)

SURINDER PAL JAIN

Petitioner (s)

VERSUS

D.D.A. & ANR

Respondent (s)

(For Final Disposal)

Date : 09/11/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M. JAGANNADHA RAO
HON'BLE MR. JUSTICE M.B. SHAH

For Petitioner (s) Mr.Sudhir Chandra,Sr.Adv.
Ms.Aparna Rohtagi,Adv.
Mr.Mahesh Kasana,Adv.
Mr. K.B. Rohtagi,Adv.

For Respondent (s) Mr.KN Rawal,ASG
Ms. Indu Malhotra,Adv.
Ms.Monika Arora,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....J
Leave granted. Appeal is allowed to the limited
question as stated in the signed order. There shall be
no order as to costs.

(Usha Bhardwaj)
P.S. to Registrar

(S.Malkani)
Court Master

Signed order is placed on the file.

.PA

.PL55

.....L.....I.....T.....T.....T.....T.....T.....T.....J.
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2000@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

Surinder Pal JainAppellant

versus

D.D.A. & Anr.Respondents

O R D E R@@
CCCCCCCCCCCC

.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

Special leave granted.

The appellant is accused for murder of his wife and was tried by the Sessions Court. The matter ended in acquittal in his favour. But on appeal the acquittal order was set aside by the High Court and he was convicted. However, in further appeal to this Court, the judgment of the High Court was set aside and the judgment of acquittal passed by the Sessions Court was restored. This happened in 1993. Thereafter the respondent has not considered it fit to initiate any disciplinary proceedings against him. On the other hand, during the pendency of the proceedings the respondents wrote a letter on 6th June, 1987 to the appellant as follows:

.SP1

"With reference to your representation to the Vice Chairman, DDA dated 24.5.1978, I am directed to state that it has been decided that your request for re-instatement cannot be considered till the appeal is decided."

.PA

:2:

.SP2

The appellant had filed C.W.P. in 1978 for reinstatement soon after the judgment of the Sessions Court. The learned Single Judge allowed the writ petition and granted backwages from 1993. The Division Bench on appeal set aside the said judgment. Against the said order, the appellant has preferred this appeal.

In this appeal, after hearing learned senior counsel for the appellant and learned Additional Solicitor General for the respondents, we are of the view that the appellant should get reinstatement into service within two weeks from today but he will not be entitled to any backwages. The previous service of the appellant will not count for any purpose except for the purpose of all retiral benefits.

The appeal is allowed to the limited purpose as stated above. There shall be no order as to costs.

.SP1

.....J.
(M. Jagannadha Rao)

New Delhi,
November 9, 2000

.....J.
(M.B. Shah)