

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 7538 OF 2004

STATE OF M.P. & ANR. Appellant (s)

VERSUS

B.P. SHARMA Respondent(s)

(With appln(s) for permission to submit additional document(s) and office report)

WITH Civil Appeal NO. 7557 of 2004  
(With office report)

Date: 10/03/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MR. JUSTICE A.K. PATNAIK

For Appellant(s) Ms. Vibha Datta Makhija,Adv.  
Mr. Kuldip Singh, Advocate.(Not present)  
For Respondent(s) Mr. Kuldip Singh,Adv.(Not present)  
Ms. Vibha Datta Makhija, Adv.

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

The Appeals are dismissed in terms of the signed order. No costs.

(Parveen Kr. Chawla)  
Court Master

( Indu Satija )  
Court Master

[Signed Order is placed on the File]  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.7538 of 2004

State of M.P. & Another ..Appellants  
versus  
B.P.Sharma ..Respondent

WITH  
CIVIL APPEAL No.7557 of 2004

O R D E R

Heard learned counsel for the appellants. None

appeared for the respondent, even on the second call.

These two appeals are cross appeals challenging the

same impugned judgment. The facts have been set out in the impugned judgment and hence we are not repeating the same here.

On the facts of the case, particularly, since the respondent has already retired, we are not inclined to exercise our discretion under Article 136 of the Constitution of India.

The Civil Appeals are dismissed accordingly. No costs.

However, we direct that the impugned judgment shall not operate as a precedent and the question of interpretation of Rule 42 shall remain open to be decided in a proper case.

.....J.  
[MARKANDEY KATJU]

NEW DELHI;  
MARCH 10, 2010

.....J.  
[A.K. PATNAIK]