

ITEM NO.47

COURT NO.11

SECTION XI

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(s).23843/2010

(From the judgement and order dated 21/04/2010 in WP No. 3214/2010 of The HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH, LUCKNOW)

ANOOP GUPTA

Petitioner(s)

VERSUS

STATE OF U.P.& ORS.

Respondent(s)

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

Date: 15/11/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. Prashant Bhushan, Adv.
 Mr. Pranav Sachdeva, Adv.

For Respondent(s) Mrs. Shobha Dikshit, Sr. Adv.
 Ms. Malvika Trivedi, Adv.
 Mr. Pradeep Misra, Adv.

 Mr. Nalin Tripathi, Adv.

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

Heard learned counsel for the parties at some length and perused the record.

Prima facie, we are not satisfied with the explanation given by the Government of U.P. for posting respondent No.5 as Director, Agriculture after the Enquiry Officer found him guilty of misconduct and two senior most officers of the department, i.e., Secretary, Agriculture and Agriculture Production Commissioner had

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unequivocally recommended that he shall not be posted on any important post. However, for the time being, we refrain from recording final conclusion on this issue.

Insofar as the inquiry is concerned, we find that even though the Enquiry Officer had submitted report on 20.2.2009 and respondent No.5 had submitted representation dated 29.5.2009, final decision had not been taken by the Government.

In the facts and circumstances of the case, we direct the competent authority to take final decision on the enquiry report and pass appropriate order within two weeks from today.

The case be listed on 03.12.2010 for further arguments.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master