

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).3494/2008

(From the judgement and order dated 04/04/2007 in
of The HIGH COURT OF DELHI AT N. DELHI)

CWP No. 7887/2003

STATE OF HARYANA

Petitioner(s)

VERSUS

SURAJ PAUL & ORS.

Respondent(s)

(With prayer for interim relief and office report)
(for final disposal)

Date: 12/01/2010 This Petition was called on for hearing today.

For Petitioner(s) Mr. P.N.Mishra, Sr. Adv.
 Mr. Manjit Singh, Adv.
 Ms. Pragati Neekhara, Adv.

For Respondent(s) Mr. P.S.Patwalia, Sr. Adv.
 Mr. .R.Khatana, Adv.
 Mr. S. Rajappa, Adv.

 Ms. Binu Tamta ,Adv

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

Leave granted.

The appeal is disposed of.

[SUMAN WADHWA]
COURT MASTER

[VIJAY DHAWAN]
COURT MASTER

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

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 614 OF 2010
(Arising out of SLP(C)No. 3494/2008)

State of Haryana

...Appellant(s)

Versus

Suraj Paul & Ors.

...Respondent(s)

O R D E R

Leave granted.

We have heard the learned counsel for the parties
at length. It has been brought to our notice that the
charge-sheet dated 31st December, 1991 which had resulted

in the withholding of the integrity certificate of the respondent had been dropped by the Department itself on 4th November, 1999. Mr. P.N.Mishra, the learned senior counsel for the appellant has however seriously objected to the final direction of the Tribunal in paragraph 40 of the order dated 25/8/2003 which we quote herein below:

"We direct the respondents to issue integrity certificate to applicant and treat his selection in the Select List dated 6.3.1992 as unconditional and further direction to appoint to him to IPS with effect from the date his junior has been appointed."

Mr. Mishra has submitted that the direction highlighted above was completely without authority as the maximum that could have been said was that the case

-2-

of the respondent be considered as per Rules, Regulation and instructions and that the High Court had upheld even this part of the order of the Tribunal.

Mr. P.S. Patwalia, the learned senior counsel has, however, put on record instructions dated 6th October, 1998 which provide for consideration of a case for promotion from the State cadre to the IPS or other Central services in a case such as the present one. We notice that the regulations and instructions pre-suppose a consideration at the hands of the UPSC. It was, therefore, to our mind not open to the Tribunal or the High Court to direct that the Respondent be promoted. We, accordingly, modify the judgment of the Tribunal and High Court to the extent that the case of the respondent will be re-considered keeping in view the above facts and the Regulation or instructions relevant to the matter. The final decision will be taken by the UPSC within a period of three months from today positively. We further direct that the integrity certificate for the DPC dated 6th March, 1991 will be issued to the respondent within two weeks from today.

The appeal is disposed of accordingly.

.....J.
(HARJIT SINGH BEDI)

.....J.
(J.M. PANCHAL)

New Delhi,
January 12, 2010.