

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).24033/2008

(From the judgement and order dated 15/09/2008 in CWP No.16216/2008
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

AMRINDER SINGH

Petitioner(s)

VERSUS

SPL.COMMITTEE,PUNJAB VIDHAN SABHA & ORS.

Respondent(s)

(With appln(s) for permission to place addl. documents on record, prayer for
interim relief and office report)

With T.P. (C) No.1087 of 2008
(With office report)

W.P. (C) No.442 of 2008
(With appln(s) for ex-parte stay and office report)

W.P. (C) No.443 of 2008
(With appln(s) for ex-parte stay and office report)

Date: 03/10/2008 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE AFTAB ALAM

Mr. Gopal Subramaniam,ASG.
Mr. Navin Prakash,Adv.
Mr. Aman Ahluwalia,Adv.
for Attorney General of India

For Petitioner(s) Mr. T.R. Andhyarujina,Sr.Adv.
in SLP 24033/2008 Mr. U.U. Lalit,Sr.Adv.
& TP 1087/2008: Mr. Atul Nanda,Adv.
Ms. Rameeza Hakeem,Adv.
for M/s. Law Associates & Co.,Adv.

In WP 442/2008: Dr. A.M. Singhvi,Sr.Adv.
Mr. Sachin Sharma,Adv.
Mr. Abhijat P. Medh,Adv.

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In WP 443/2008: Mr. P.P. Rao,Sr.Adv.
Mr. Mukul Rohatgi,Sr.Adv.
Mr. Gaurav Agrawal,Adv.

For Respondent(s) Mr. Ravi Shanker Prasad,Sr.Adv.
For Punjab Vidhan Mr. Ajay Pal,Adv.
Sabha & Special Mr. Nikhil Jain,Adv.
Committee: Ms. Aprajita,Adv.

For State of Punjab: Mr. M.L. Verma,Sr.Adv. (in SLP 24033/2008)
Mr. Shyam Divan,Sr.Adv.(in WP 442 & 443/08)

Mr. H.S, Mattewal,AG.,Pb.
Ms. Jaishree Anand,Adv.
Mr. Kuldip Singh,Adv.
Mr. Ajay Bansal,Adv.

UPON hearing counsel the Court made the following
ORDER

Special Leave Petition (C) No.24033 of 2008, W.P. (C)
Nos.443/2008 and 442/2008 :

Leave granted in the special leave petition and writ
petitions are admitted.

Heard learned counsel appearing on behalf of the
parties in the matter of grant of interim relief.

Pending disposal of the appeal and writ petitions,
the following directions are given:

[1] Prayer for staying order dated 10th September,
2008, expelling Captain Amarinder Singh for the remaining
term of Thirteenth Punjab Vidhan Sabha is rejected.

[2] The direction in the impugned order to take steps
for having the seat of Captain Amarinder Singh declared as
vacant shall remain stayed.

[3] The direction in order dated 10th September, 2008,
to the Vigilance Department to submit a report to the
Speaker of the Punjab Legislative Assembly within two
months shall remain stayed.

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[4] Police shall proceed with the investigation against
Captain Amarinder Singh, Choudhary Jagjit Singh and Shri
Jugal Kishore Sharma in accordance with law without being
influenced by any observation or directions in order dated
10th September, 2008, and finding in the report of the
Special Committee on the basis of which the said order has
been passed.

Transfer Petition (C) No.1087 of 2008:

Heard learned counsel for the parties.

In view of the nature of controversy involved in
C.W.P. No.16216 of 2008, filed in the High Court of Punjab
and Haryana, we feel that it would be just and expedient to
transfer the said case to this Court.

Accordingly, C.W.P. No.16216 of 2008, pending in
the High Court of Punjab and Haryana is transferred to this
Court for being heard along with civil appeal arising out of
S.L.P. (C) No.24033 of 2008 and Writ Petition (C) No.443 of
2008 and Writ Petition (C) No.442 of 2008.

Four weeks' time is allowed to the parties to file
counter affidavits in the civil appeal, writ petitions and the
transferred case. Rejoinder affidavit, if any, may be filed
two weeks thereafter.

Let these cases be listed for hearing on 2nd
December, 2008.

[T.I. Rajput]
A.R.-cum-P.S.

[Savita Sainani]
Court Master

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

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6053 OF 2008
(Arising out of S.L.P. (C) No.24033 OF 2008)

Amarinder Singh

...Appellant(s)

Versus

Spl. Committee, Punjab Vidhan Sabha
and Ors.

...Respondent(s)

WITH

W.P. (C) Nos.443/2008 and 442/2008 and T.P. (C) No.1087/2008

O R D E R

Special Leave Petition (C) No.24033 of 2008, W.P. (C) Nos.443/2008
and 442/2008 :

Leave granted in the special leave petition and writ petitions
are admitted.

Heard learned counsel appearing on behalf of the parties in
the matter of grant of interim relief.

Pending disposal of the appeal and writ petitions, the
following directions are given:

[1] Prayer for staying order dated 10th September, 2008, expelling
Captain Amarinder Singh for the remaining term of Thirteenth Punjab
Vidhan Sabha is rejected.

[2] The direction in the impugned order to take steps for having
the seat of Captain Amarinder Singh declared as vacant shall remain
stayed.

[3] The direction in order dated 10th September, 2008, to the
Vigilance Department to submit a report to the Speaker of the Punjab
Legislative Assembly within two months shall remain stayed.

...2/-

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[4] Police shall proceed with the investigation against Captain
Amarinder Singh, Choudhary Jagjit Singh and Shri Jugal Kishore
Sharma in accordance with law without being influenced by any
observation or directions in order dated 10th September, 2008, and
finding in the report of the Special Committee on the basis of which the
said order has been passed.

Transfer Petition (C) No.1087 of 2008:

Heard learned counsel for the parties.

In view of the nature of controversy involved in C.W.P.
No.16216 of 2008, filed in the High Court of Punjab and Haryana, we
feel that it would be just and expedient to transfer the said case to this
Court.

Accordingly, C.W.P. No.16216 of 2008, pending in the High
Court of Punjab and Haryana is transferred to this Court for being
heard along with civil appeal arising out of S.L.P. (C) No.24033 of 2008
and Writ Petition (C) No.443 of 2008 and Writ Petition (C) No.442 of
2008.

Four weeks' time is allowed to the parties to file counter

affidavits in the civil appeal, writ petitions and the transferred case.
Rejoinder affidavit, if any, may be filed two weeks thereafter.

Let these cases be listed for hearing on 2nd December, 2008.

.....J.
[B.N. AGRAWAL]

.....J.
[G.S. SINGHVI]

.....J.
[AFTAB ALAM]

New Delhi,
October 03, 2008.