

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).2760/2006

(From the judgement and order dated 12/09/2005 in LPA No. 104/2005  
of the HIGH COURT OF J & K AT JAMMU)

STATE OF JAMMU & KASHMIR & ORS.

Petitioner(s)

VERSUS

SANJEEV KHAJURIA & ORS.

Respondent(s)

(With prayer for interim relief)

Date: 25/08/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA  
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s) Mr. Altaf H. Nayak, AG, J&K  
Mr. Anis Suhrawardy,Adv.  
Mrs. Shamama Anis,Adv.  
Mr. Syed Mehdi Imam,Adv.  
Mr. Tabrez Ahmad,Adv.  
Ms. Samridhi Sinha,Adv.

For Respondent(s) Mr. Sridhar Potaraju,Adv.  
Mr. D. Julius Riamei,Adv.  
  
Mr. Navin chawla,Adv.  
Mr. Sharath Sampath,Adv.

Mr. P.D. Sharma,Adv.

UPON hearing counsel the Court made the following  
ORDER

Leave granted.

Heard the learned counsel for the parties.

The appeal is disposed of with directions as contained in the  
signed order.

(A.S. BISHT)  
COURT MASTER

(PUSHAP LATA BHARDWAJ)  
COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIIL APPEAL NO. 5325 OF 2008  
(Arising out of SLP(C)No.2760 OF 2006)

STATE OF JAMMU & KASHMIR AND ORS.

... APPELLANT(S)

:VERSUS:

SANJEEV KHAJURIA AND ORS.

... RESPONDENT(S)

ORDER

Leave granted.

By reason of its judgment and order dated 22.12.2003, a learned Single Judge of the High Court of Jammu & Kashmir passed the following order:

"In view of the detailed discussion, this writ petition is allowed. Respondents/State is directed to appoint the petitioner against the higher post of Inspector in Police Department on the analogy of respondents 5 and 7 or revert the said respondents to a lower post of Sub Inspector within a period of three months."

Both the State as also the private respondents preferred separate intra Court appeals thereagainst.

Where the appeal preferred by the private respondents was not only entertained by the High Court but also an order of stay was granted therein; the appeal preferred by the State has been dismissed summarily by a Division Bench of the said Court by reason of the impugned order.

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In view of the aforementioned anomalous position, we are of the opinion that interest of justice would be subserved if this appeal is disposed of with the following directions:

(1) The impugned judgment dated 12.9.2005 is set aside;

(2) The matter is remitted to the High Court for disposal of the LPA (S) No.104/2005 along with LPA(SW) No. 30/2004 on merit;

(3) As the matter is pending for a long time, we would request the High Court to consider the desirability of disposing it of as expeditiously as possible, preferably within a period of three months from the date of communication of this order.

The appeal is disposed of accordingly.

.....J  
(S.B. SINHA)

.....J  
(CYRIAC JOSEPH)

NEW DELHI,  
AUGUST 25, 2008.