

ITEM NO.51

COURT NO.5

SECTION IX

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 (C) No(s).10783/2016

(Arising out of impugned final judgment and order dated 14/09/2015 in SCA No. 17674/2011 passed by the High Court of Gujarat at Ahmedabad)

UNION OF INDIA AND ORS.

Petitioner(s)

VERSUS

RAJPAL B. YADAV

Respondent(s)

(WITH Interim Relief and Office Report)

Date : 13/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Arijit Prasad, Adv.
 Mr. Subas Acharya, Adv.
 Mr. B.K. Prasad, Adv.
 Ms. Disha Vaish, Adv.
 Ms. Anisha Mathur, Adv.
 Mr. Rajat Singh, Adv.
 Mr. G.S. Makker, Adv.
 Ms. Sushma Suri, AOR

For Respondent(s) Mr. P. K. Manohar, AOR

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

We have heard learned counsel for the parties.

On 12th April, 2016, we had issued notice limited to the possibility of holding a fresh enquiry from the stage of examination of PWs.4 and 5.

Subsequently, it was represented to us by learned Additional Solicitor General that the matter needs to be

heard on all the issues raised in this petition.

We are of opinion that the only issue that arises in this petition is whether the principles of natural justice were followed by the Enquiry Officer or not. We find that the examination of material witnesses had taken place while the respondent was on medical leave. Surely, this is not in consonance with the principles of natural justice.

Under the circumstances, we are of opinion that the High Court was in error in not remitting the matter back to the Enquiry Officer to be considered afresh from the stage at which PWs.4 and 5 were examined. Accordingly, to this extent, we set aside the order passed by the High Court and remit the matter back to the Enquiry Officer to conclude the Enquiry from the stage of examination of PWs.4 and 5. We expect the Enquiry Officer to take a decision at the earliest.

The special leave petition is disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SHARDA KAPOOR)
COURT MASTER