

ITEM NO.206

COURT NO.6

SECTION X

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).29181/2010

(From the judgement and order dated 06/04/2010 in WP No.324/2008 of
The HIGH COURT OF UTTARAKHAND AT NAINITAL)

SUDHIR CHANDRA NAUTIYAL

Petitioner(s)

VERSUS

UMA KANT JOSHI & ORS.

Respondent(s)

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

WITH SLP(C) NO. 16179 of 2011

(With appln(s) for exemption from filing O.T., prayer for interim
relief and office report)

SLP(C) NO. 17304 of 2010

(With appln(s) for exemption from filing O.T. and taking additional
documents on record and permission to file rejoinder affidavit and
additional documents and prayer for interim relief and office
report)(for final disposal)

Date: 03/02/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s)

Mr.J.L. Gupta, Sr. Adv.
Mr. Sudarshan Singh Rawat, Adv.

Mr. Subodh Markandeya, Sr. Adv.
Ms. Noorjahan, Adv.
Mr. Chander Shekhar Ashri, Adv.

Ms. Rachana Srivastava, Adv.
Ms. Ranchi Daga, Adv.

For Respondent(s)

Mr. Pramod Swarup, Sr. Adv.
Ms. Pareena Swarup, Adv.
Ms. Sushma Verma, Adv.
Ms. Pooja Sharma, Adv.
Mr. Akshay Verma, Adv.
Mr. Jitendra Kumar, Adv. (Not present)

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Ms. Rachana Srivastava, Adv
Ms. Ranchi Daga, Adv.

Mr. Rameshwar Prasad Goyal, Adv.

UPON hearing counsel the Court made the following

O R D E R

These petitions are directed against order dated 6.4.2010 of the Division Bench of the Uttrakhand High Court, whereby the writ petition preferred by respondent No.1 was disposed of with a direction that he be considered for all consequential promotions with effect from the date the persons junior to him were promoted to higher ranks. The petitioners have also questioned order dated 3.3.2011 vide which the High Court dismissed the review application filed by them.

Notice of the special leave petitions were issued on 27.9.2010 and 8.7.2011.

Although, learned senior counsel appearing for the petitioners repeatedly pressed for stay of the order passed by the High Court, this Court did not accept their prayer.

During the pendency of the matter before this Court, respondent No.1 approached the Secretary to Hon'ble Chief Minister, Good governance and Abolition of Corruption and succeeded in persuading him to record note dated 17.1.2012 that Shri Sudhir Chandra Nautiyal is not entitled to be promoted. A copy of note dated 17.01.2012 recorded by the Secretary was produced in the Court on 27.01.2012 by learned

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counsel for respondent No.1.

After going through the note, we were prima facie satisfied that the contents of the letter amounts to interference with the process of the Court and, therefore, learned counsel for the State of Uttarakhand was directed to get in touch with the concerned officers and ascertain whether or not such note had in fact been recorded and, if this was so, who was responsible for the same.

Today, Ms. Rachana Srivastava, Advocate-on-record, appearing for the State placed before the Court letter dated 1.2.2012 sent to her by the concerned Secretary.

We have gone through the note dated 17.1.2012 as also letter dated 1.2.2012 sent by the concerned Secretary.

In our view, respondent No.1 has tried to overreach the process of the Court. Therefore, we direct that the operation of the order impugned in the special leave petitions shall remain stayed along with all the orders passed by the State Government in furtherance of the direction given by the High Court.

This order shall be implemented by the State Government without fail.

List the case for final disposal on 17.04.2012.

(Parveen Kr.Chawla)
Court Master

(Phoolan Wati Arora)
Court Master