

ITEM NO.27

COURT NO.6

SECTION

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

Diary No(s). 14462/2017

(Arising out of impugned final judgment and order dated 16-11-2016 in DBSAW No. 693/2008 passed by the High Court Of Rajasthan At Jaipur)

SHRADHA MISHRA

Petitioner(s)

VERSUS

STATE OF RAJASTHAN & ANR.

Respondent(s)

(CONDONATION OF DELAY IN FILING SLP)

Date : 14-07-2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Ms. Archana Pathak Dave, AOR
Ms. Ankita Chaudhary, Adv.
Ms. Radhika Sharma, Adv.

For Respondent(s)

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

Delay condoned.

The learned counsel for the petitioner submits that the absence is from the year 1998, as rightly noted by the learned Single Judge, and not from the year 1994, as incorrectly noted by the Division Bench of the High Court.

It is also pointed out that for invoking punishment of dismissal on the ground of abandonment, the rules require abandonment for five years or more continuously; but in the instant case, the action was taken in the year 2000 when the abandonment, if any, was only for around two years. Therefore, there could not

have been any termination without a proper enquiry.

In view of the above submission, issue notice.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR