

ITEM NO.101

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

Writ Petition (Civil) No.1465/2020

RAJEEV BHARDWAJ &amp; ANR.

Petitioner(s)

VERSUS

THE STATE OF HIMACHAL PRADESH &amp; ORS.

Respondent(s)

( [ PART-HEARD BY HON'BLE SANJAY KISHAN KAUL AND HON'BLE M.M. SUNDRESH ,JJ. ] [ AT THE TOP ] )

WITH

SLP(C) No. 8863-8866/2021 (XIV)

T.C.(C) No. 53/2021 (XVI-A)

SLP(C) No. 13840-13843/2021 (XIV)

(IA No.112557/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.112559/2021-PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 16-09-2021 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE M.M. SUNDRESH

By Courts Motion

For Petitioner(s)	Mr. R. Venkatramani, Sr. Adv.
For Ptr. in 101.3	Ms. Radhika Gautam, AOR
rr. in 101,101.2	Mr. Chitvan Singhal, Adv.
For Ptr. in 101.1	Mr. P.S. Patwalia, Sr. Adv.
& rr. In 101,101.2,	Mr. Rakeshwar Sood, Sr. Adv.
101.3	Mr. S. Udaya Kumar Sagar, Adv.
	Ms. Bina Madhavan, Adv.
	Mr. Arjun Lall, Adv.
	Ms. Akanksha Mehra, Adv.
	For M/S. Lawyer S Knit & Co, AOR
For Ptr. In 101,	Mr. Manan Kumar Mishra, Sr. Adv.
101.2 & rr. in	Mr. R.K. Bawa, Sr. Adv.
101.1, 101.3	Mr. Durga Dutt, AOR

Ms. Anjul Dwivedi, Adv.  
 Mr. Rohit Priyadarshi, Adv.  
 Mr. Rakesh Kumar Singh, Adv.  
 Mr. Vibhu Shanker Mishra, Adv.  
 Mr. Priyanshu Upadhyay, Adv.  
 Mr. Kousik Ghosh, Adv.  
 Mr. Anirveda Sharma, Adv.

For Respondent(s) Mr. R. Balasubramanian, Sr. Adv.  
 Mr. Karunakar Mahalik, AOR  
 Mr. Ashok Sharma, Adv.  
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Mr. Abhinav Mukerji, AOR  
 Ms. Pratishtha Vij, Adv.  
 Mrs. Bihu sharma, adv.  
 Mr. Akshay C Shrivastava, Adv.

Mr. Ajay Marwah, AOR

Mr. Vikas Singh, Sr. Adv.  
 Mr. P.R. Bahl, Adv.  
 Mr. Mrityunjay Singh, Adv.  
 Mr. M.A. Chinnasamy, AOR  
 Mr. M. Veeraragavan, Adv.  
 Ms. C. Rubavathi, Adv.  
 Mr. V. Senthil Kumar, Adv.  
 Mr. P. Rajaram, Adv.

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

Writ Petition (Civil) No.1465/2020

Writ Petition stands dismissed as withdrawn in terms of  
 the signed order.

SLP(C) No. 8863-8866/2021, T.C.(C) No.53/2021 & SLP(C)  
 No. 13840-13843/2021

The perennial dispute between the promotees and direct  
 recruits once again seeks to raise its head in respect to the  
 judicial services of the Himachal Pradesh. The learned Single  
 Judge opined against the original petitioners on the ground

of delays and latches. In the Letters Patent Appeal preferred against the same there was a diversion of views on that aspect as opined by the learned Single Judge, the two views running into 132 pages. The matter was thereafter referred to a third Judge who penned 90 pages more. The simple issue which was being decided was whether the petition is liable to be dismissed on the grounds of delay and latches. A reading of the three orders, *dehors* the vast discussion on various aspects reaches to a conclusion that the petition ought not be dismissed on the grounds of delay and latches. Nothing more nothing less!

The aforesaid being the position, the question is that what would be the appropriate course of action. We may note that even the LPA before the High Court has been called to this Court.

On hearing learned counsel for parties, we are of the view that it would be appropriate to direct that a Division Bench of the Himachal Pradesh High Court itself hears the writ petition on merits leaving it open to the parties to raise all issues as may be permissible in law except the issue of delay and latches on which aspect we are not inclined to interfere under Article 136 of the Constitution of India.

The special leave petitions and transferred case stands disposed of in the aforesaid terms.

In view of the nature of matter and the past history

debated before us, we expect the Division Bench to bestow a consideration on the matter as early as possible.

A copy of this Order be placed before the acting Chief Justice of Himachal Pradesh.

Pending applications stand disposed of.

[RASHMI DHYANI]  
COURT MASTER

[POONAM VAID]  
COURT MASTER

(Signed order in r/o W.P.(C) No.1465/2020 is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) No.1465/2020

RAJEEV BHARDWAJ & ANR.

Petitioner(s)

VERSUS

THE STATE OF HIMACHAL  
PRADESH & ORS.

Respondent(s)

O R D E R

Learned senior counsel for the petitioners on instructions seeks to withdraw the writ petition in view of the orders passed in LPA Nos.33 & 39 of 2019.

He submits that he will move the acting Chief Justice of Himachal Pradesh for expeditious hearing in the matter.

Writ Petition stands dismissed as withdrawn, accordingly.

.....J.  
(SANJAY KISHAN KAUL)

.....J.  
(M. M. SUNDRESH)

NEW DELHI  
SEPTEMBER 16, 2021