

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.3034-3035 OF 2017
(@ SPECIAL LEAVE PETITION (CIVIL) NOS.30436-30437 OF 2014)

STATE OF MP AND ORS

...APPELLANT(S)

VERSUS

VINAY SHARMA

...RESPONDENT(S)

O R D E R

Delay condoned.

Leave granted.

Heard learned counsel for the parties.

As a result of departmental inquiry conducted, an order of imposing punishment of removal was passed against the respondent on 22.07.2004. On appeal, vide order dated 09.09.2004, punishment was reduced to reduction of basic pay scale of Sub-Inspector for two years. The said order was quashed by the High Court on 26.11.2009 on the ground that the inquiry was not proper. Thereafter, a fresh inquiry was initiated which was challenged by the respondent and has been quashed by the High Court.

Learned counsel for the appellant-State submits that a fresh inquiry could not be quashed as the appellant has the right to take action against the respondent for his misconduct.

Though we find merit in the contention, learned counsel for the respondent states that he withdraws his challenge to the first inquiry and accepts the punishment imposed in terms of Order dated 09.09.2004.

In view of above stand of the respondent, we restore the punishment imposed earlier in terms of order dated 09.09.2004. Thus, the second inquiry is rendered unnecessary. The appeals are disposed of in above terms. No costs.

Pending application(s), if any, shall also stand disposed of.

.....J.
[ADARSH KUMAR GOEL]

NEW DELHI
20TH FEBRUARY, 2017

.....J.
[UDAY UMESH LALIT]

ITEM NO.66

COURT NO.13

SECTION IVA

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). 30436-30437/2014

(Arising out of impugned final judgment and order dated 03/04/2014 in RP No. 131/2014 18/09/2012 in WA No. 485/2011 passed by the High Court Of M.P. At Jabalpur)

STATE OF MP AND ORS

Petitioner(s)

VERSUS

VINAY SHARMA

Respondent(s)

(with appln. (s) for c/delay in filing SLP and c/delay in refiling SLP and exemption from filing O.T.)

Date : 20/02/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Purushaindra K.,Adv.
Mr. Mishra Saurabh,Adv.
Ms. Vanshuja Shukla,Adv.

For Respondent(s) Mr. J. Fakharuddin,Sr.Adv.
Mr. G.C. Tyagi,Adv.
Mr. Kailash Pd. Pandey,Adv.
Mr. Lalit Chahar,Adv.
Mr. Varinder Kumar Sharma,Adv.

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

Delay condoned.

Leave granted.

The appeals are disposed of in terms of the
signed order.

(Madhu Bala)
Court Master
(Signed order is placed on the file)

(Veena Khera)
Court Master