

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3760 of 2017

[@Special Leave to Appeal (C) No(s). 27493/2015]

UNION OF INDIA

Appellant(s)

VERSUS

JAGDEV SINGH

Respondent(s)

O R D E R

Leave granted.

We have heard learned counsel for the parties.

Our attention has been drawn to order dated 30.01.1996 which has been passed by the Commandant, 3 Battalion, B.S.F., Rustamjinagar, PO Bhutkidangapara District Jalpaiguri (WB) pursuant to a show cause notice dated 17.04.1995 issued to the respondent. It may be noted that the show cause notice was issued pursuant to the order passed by the Division Bench of the High Court on 31.03.1995 in LPA No. 166 of 1992. In response to the show cause notice, the respondent had submitted a reply on 02.05.1995. After considering the reply, the order dated 30.01.1996 was passed by the Commandant.

We have gone through order dated 30.01.1996 and find that the order contains absolutely no reason whatsoever. It appears to be an order that has been passed in a mechanical manner without considering the reply sent by the respondent.

Under the circumstances, we set aside the order dated 30.01.1996 and consequential orders that have been passed by

learned Single Judge as well as the Division Bench of the High Court (being order dated 16.03.2015 in LPA (SW) No. 328 of 2002). The concerned Authority shall consider the reply afresh and pass a reasoned order.

In so far as the intervening period is concerned, the concerned Authority would take a decision on that matter and go into the question as to whether the lapse on the respondent is such that it should result in an order of dismissal and no other punishment would serve the purpose.

The concerned Authority should also consider whether the respondent would be entitled to any salary for the intervening period.

We expect the concerned Authority to take a decision in the matter within a period of four weeks from today.

The appeal stands disposed of.

.....J.  
[MADAN B. LOKUR]

.....J.  
[DEEPAK GUPTA]

NEW DELHI;  
MARCH 6, 2017.

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). 27493/2015

(Arising out of impugned final judgment and order dated 16/03/2015 in LPA No. 328/2002 passed by the High Court of J & K at Jammu)

UNION OF INDIA

Petitioner(s)

VERSUS

JAGDEV SINGH  
(With Interim Relief and Office Report)

Respondent(s)

Date : 06/03/2017 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. P.S. Patwalia, ASG  
Mr. Ashok K. Srivastava, Adv.  
Ms. Natasha Vinayak, Adv.  
Mr. B.K. Prasad, Adv.  
For Ms. Sushma Suri, AOR

For Respondent(s) Mr. Luqman S. Hasan, Adv.  
Mr. Avadh Bihari Kaushik, AOR  
Mr. Syed Q. Kazim, Adv.  
Mohd. Shakir, Adv.  
Mr. Santosh Pandey, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

We have heard learned counsel for the parties.

The appeal stands disposed of in terms of the signed order.

(Meenakshi Kohli)  
Court Master (SH)

(Sharda Kapoor)  
Court Master (NS)

[Signed order is placed on the file]