

this Court. We, however, find that the downloaded copy of the order dated 14.10.2019 was sent to the DGP, Punjab and the Advocate General, Punjab vide order dated 04.11.2019 for directions and it took two months for the SSP, Patiala to seek a legal opinion from the office of the Advocate General, Punjab, i.e., on 04.01.2020. The opinion was sent by the office of the Advocate General on 18.03.2020. Thereafter, the pandemic is stated to be the excuse for further delay, but if we further go down in the list of dates, it is apparent that the office of the AG advised vide letter dated 20.07.2020 that there was a delay of more than 150 days and sanction of the State Government was required to be obtained. It took five months thereafter for the said purpose before the matter was entrusted to the AOR on 10.12.2020.

The inefficiency of the system is writ large. On one hand learned counsel contends that the issue has a far reaching ramification and the case is covered by a Constitution Bench judgment of this Court while on the other hand it has taken the aforesaid extraordinary period of time to file the SLP.

We have also heard learned counsel on merits and in view of the larger ramification do consider it appropriate that the matter may be examined on merits

but subject to imposition of costs for the delay in approaching this Court. We thus allow the application, but subject to payment of Rs. 25,000/- as costs, to be deposited within four weeks with the Supreme Court Advocate-on-Record Welfare fund.

Diary No(s). 41/2021

Application for exemption from filing C/C of the impugned order is allowed.

Learned counsel for the petitioners submits that there is no distinction between the post of the Superintendent of Police and the District Superintendent of Police in view of the observations of this Court in Union of India vs. Jagjit Singh 1969 (2) SCC 108 and Shri JP Viridi, the competent officer was holding the post of Additional Superintendent of Police, Patiala but was of the rank of Superintendent of Police and the impugned order has really gone on the basis of a Superintendent of Police and District Superintendent of Police. It is thus her submission that the High Court had not properly appreciated even the aspect which arose out of the remand order in the present proceedings, passed on 25.01.1996 in CA No. 2309/1996.

Issue notice, subject to the compliance of the deposit of cost within time returnable in six weeks.

A copy of the order to accompany notice.

In the meantime, there shall be stay of operation of the impugned order.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)