

Rajendra Sareen

Vs

State of Haryana and Others

Civil Appeal No. 745 of 1971

(G. K. Mitter, C. A. Vaidialingam JJ)

31.01.1972

JUDGMENT

VAIDIALINGAM, J. -

1. This is an appeal by special leave, challenging the judgment and order of the Delhi High Court, dated March 11, 1971, dismissing the writ petition filed by the appellant to quash certain adverse remarks made against him. The High Court dismissed the writ petition on two grounds : (1) The allegations of mala fides do not bear any connection with the adverse remarks which are contained in Annexure 1 to the writ petition; (2) The appellant has come to court without making any representations against the adverse remarks, which he was entitled to do under the rules. For these reasons, the High Court declined to entertain the writ petition filed by the appellant.
2. Mr. M. K. Ramamurthi, learned counsel for the appellant, attempted to argue that on the materials on the record, he would be able to satisfy this Court that the rejection of the writ petition by the High Court summarily without an investigation into the allegations of mala fides made by the appellant was not justified. He further pointed out that the nature of the adverse remarks made against the appellant are not warranted by the Rules, governing the same.
3. It has become unnecessary for us to consider these aspects further, because, in our opinion, the ends of justice will be amply met with if the representations that the appellant has to make against the adverse remarks made against him are considered by the highest executive of the State, namely, the Governor. Whether appellant will be able to make out the allegations of mala fides made against the Minister concerned is a matter regarding which we need not express any opinion. In view of the fact that the appellant appears to have a grievance that any representations that he may make may not be considered by the Minister concerned dispassionately and impartially, in our opinion, it is desirable that the Governor considers the representations that will be made by the appellant regarding the adverse remarks, and pass suitable orders.
4. But we make it clear that we should not be understood that we have even prima facie accepted the appellant's allegations of mala fides as well founded. The directions that we have given are only in the interest of justice, as a party must have a satisfaction that his grievance has been properly considered. Further, the directions given by us will also save the concerned Minister against whom allegations are made, the embarrassment of having to consider the appellant's representations. We also emphasise that our direction that the Governor should consider the appellant's representations, is given in the special circumstances of this case.
5. The appellant is given six weeks' from today to make his representation to the Governor of the

State, and the Governor will consider the said representation and pass suitable orders. As regards the procedure to be adopted by the Governor in dealing with the representation, we leave it entirely to the discretion of the Governor.

6. The appeal is disposed of in terms of the above directions. There will be no order as to costs.

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