

SUPREME COURT OF INDIA

State of Jammu & Kashmir

Vs.

Sanjeev Khajuria

C.A.No.5325 of 2008

(S.B. Sinha and Cyriac Joseph JJ.)

25.08.2008

ORDER

1. Leave granted.

2. By reason of its judgment and order dated 22.12.2003, a learned Single Judge of the High Court of Jammu & Kashmir passed the following order:

“In view of the detailed discussion, this writ petition is allowed. Respondents/State is directed to appoint the petitioner against the higher post of Inspector in Police Department on the analogy of respondents 5 and 7 or revert the said respondents to a lower post of Sub Inspector within a period of three months.”

3. Both the State as also the private respondents preferred separate intra Court appeals thereagainst.

4. Where the appeal preferred by the private respondents was not only entertained by the High Court but also an order of stay was granted therein; the appeal preferred by the State has been dismissed summarily by a Division Bench of the said Court by reason of the impugned order.

5. In view of the aforementioned anomalous position, we are of the opinion that interest of justice would be subserved if this appeal is disposed of with the following directions:

“(1) The impugned judgment dated 12.9.2005 is set aside; (2) The matter is remitted to the High Court for disposal of the LPA (S) No.104/2005 along with LPA(SW) No. 30/2004 on merit; (3) As the matter is pending for a long time, we would request the High Court to consider the desirability of disposing it of as expeditiously as possible, preferably within a period of three months from the date of communication of this order. The appeal is disposed of accordingly.”