

SUPREME COURT OF INDIA

Goverdhan Pujari

Vs.

Jugal Kishore Sahu

C.A.No.4206 of 2008

(B.N. Agrawal and G.S. Singhvi JJ.)

12.01.2009

ORDER

1. Heard learned counsel for the appellant, learned counsel for the respondents and the respondent, who has appeared in-person in Civil Appeal No. 4207 of 2008.
2. Disciplinary Committee No.(II) of the Orissa State Bar Council consisting of three persons, one of whom was one Shri R.K. Mohanty, advocate, dismissed the complaints filed by the appellant. The said order has been confirmed in appeal by the Bar Council of India. Hence these appeals.
3. The appellant has challenged the impugned orders mainly on the ground that Shri R.K. Mohanty, Advocate ceased to be a Member of the Disciplinary Committee (II) of the State Bar Council on 23.12.1999 and, therefore, he could not have, as a Member of the Committee, decided the complaints. It has not been disputed before us that the day on which the complaints filed by the appellant were dismissed, Shri R.K. Mohanty was not a Member of Disciplinary Committee (II) of the State Bar Council. Therefore, on this ground alone, the impugned orders are liable to be set aside.
4. Accordingly, the appeals are allowed, impugned orders are set aside with the direction to the State Bar Council to decide the complaints afresh. The Chairman of the Orissa State Bar Council shall see that the complaints filed by the appellant are placed before properly constituted Disciplinary Committee and disposed of in accordance with law.