

ITEM NO.31

Court 5 (Video Conferencing)

SECTION X

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).2507/2021

(Arising out of impugned final judgment and order dated 01-02-2021 in WPSB No.53/2021 passed by the High Court Of Uttarakhand At Nainital)

KANWAR AMNINDER SINGH

Petitioner(s)

VERSUS

THE HON'BLE HIGH COURT OF UTTARAKHAND
AT NAINITAL THROUGH ITS REGISTRAR GENERAL

Respondent(s)

(FOR ADMISSION and I.R. and IA No.19347/2021-EXEMPTION FROM FILING O.T.)

Date : 17-09-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s) Mr. Devdutt Kamat, Sr. Adv.
Mr. Sachin Sharma, AOR
Mr. Anil Kumar Gulati, Adv.
Mr. Satyavrat Sharma, Adv.
Mr. Rahul Gaur, Adv.

For Respondent(s) Mrs. D. Bharathi Reddy, AOR

UPON hearing the counsel the Court made the following
O R D E R

The Petitioner who is working as Additional District Judge in the State of Uttarakhand is facing a departmental enquiry. On 24.11.2020, the petitioner filed an application for placing certain documents on record before the Enquiry Officer which was rejected on the ground that the Presenting Officer has

made an endorsement on the documents that they do not deserve to be admitted in view of Sections 85A and 85B of the Indian Evidence Act. Another application was filed by the petitioner before the Enquiry Officer giving an additional list of witnesses to be produced in the enquiry. The Enquiry Officer dismissed that application on 19.01.2021. Aggrieved by the dismissal of the aforementioned application, the petitioner filed a writ petition in the High Court of Uttarakhand. The contention of the petitioner before the High Court was that the documents mentioned at serial nos. 5, 8, 9, 10 and 44 of the application filed by him were relevant and the Presenting Officer as well as the Enquiry Officer committed an error in not permitting the said documents to be exhibited in the enquiry. The High Court observed that there is no error committed by the Enquiry Officer as the petitioner was permitted to adduce evidence on his behalf. The High Court permitted certain documents which the petitioner wanted to be exhibited in the enquiry. However, the High Court did not deal with document No.44 which is a copy of the case diary dated 06.04.2018 in crime no.58 of 2018 obtained by the petitioner under the Right to Information Act.

Ms.Bharti Reddy, learned counsel appearing for High Court of Uttarakhand submitted that the documents cannot be taken on record without proof. She has brought to our notice that due to the retirement of

the Enquiry Officer, who passed the impugned orders, steps are being taken to appoint another Enquiry Officer.

The case diary which the petitioner wants to be exhibited was not permitted by the Enquiry Officer on the ground of lack of proof for the said document as required under the provisions of the Evidence Act. Strict rules of evidence are not applicable to a Departmental Enquiry. There is no prejudice caused to anyone if the case diary is placed on record. The case diary which is shown as exhibit 44 in the application by the petitioner shall be exhibited as a document in the departmental enquiry. The departmental enquiry may be expedited and completed soon.

With the aforementioned observation, the Special Leave Petition is disposed of. Pending application(s), if any, shall stand disposed of.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master