

Supreme Court of India

Ch. Jawahar Singh vs State Of Haryana And Others on 19 January, 1993

Equivalent citations: 1994 SCC, Supl. (1) 152

Author: L Sharma

Bench: Sharma, L.M. (Cj)

PETITIONER:

CH. JAWAHAR SINGH

Vs.

RESPONDENT:

STATE OF HARYANA AND OTHERS

DATE OF JUDGMENT 19/01/1993

BENCH:

SHARMA, L.M. (CJ)

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SHARMA, L.M. (CJ)

JEEVAN REDDY, B.P. (J)

ANAND, A.S. (J)

CITATION:

1994 SCC Supl. (1) 152

ACT:

HEADNOTE:

JUDGMENT:

ORDER

1. Heard the learned counsel for the parties. Special leave is granted.

2. Respondent 4 filed a writ petition before the High Court claiming his salary on revised pay scale and alleged that the appellant was responsible for the delay. Before the case could be taken up for hearing the respondent was paid his dues. However, the High Court, by a perfunctory judgment, observed that although the writ application had been rendered infructuous and had to be dismissed, but as the appellant was responsible for undue delay, in making the payment he was personally liable to pay costs to the writ petitioner amounting to Rs 2500. A direction was accordingly issued. The appellant has challenged the same in the present appeal.

3. It has been contended by Mr Ramamurthy, appearing in support of the appeal, that if the materials on records are examined it will be manifest that the appellant cannot be held guilty for the delay. With the aid of the learned counsel for the parties we have examined a number of documents, which had been placed before the High Court in this regard, and we agree with the appellant that he cannot be condemned for unnecessarily delaying the payment. The impugned order indicates that no effort was made to appreciate the circumstances and the direction to the appellant to pay. the costs was made only after observing that the appellant was responsible for the undue delay, without holding that he was biased against the writ petitioner or that his conduct was mala fide. The High Court failed to appreciate that the appellant was discharging his official duty and could not be personally saddled with costs merely on the ground of delay. Besides, as we have observed earlier, he does not appear to be guilty at all in the matter. Accordingly this appeal is allowed, the impugned order insofar as it relates to the directions to pay cost is set aside. The writ petition filed in the High Court is dismissed but in the circumstances without costs.