

Supreme Court of India

Punjab Vidhan Sabha And Anr. vs Prakash Singh Badal And Ors. on 12 August, 1987

Equivalent citations: 1987 (2) SCALE 1072, 1987 Supp (1) SCC 610

Bench: G Oza, S Mukharji

ORDER

1. Having considered the facts and the circumstances of the case and having heard learned counsel for the parties we are of the opinion that there should be an order directing the transfer of Civil Writ Petition No. 3224 of 1987 pending in the High Court of Punjab & Haryana at Chandigarh to this Court. Matter involving similar question (being C.A. No. 123J/37 of 1987) has already been referred to the Constitution Bench. In view of the importance of the question not only in the case of Punjab but other States as well, this is of utmost importance that this matter should be heard as expeditiously as possible. The parties will be at liberty to mention before the Hon'ble Chief Justice for constituting an appropriate Bench for early disposal of this matter.

2. In the meantime in the interest of justice we direct that members who have been disqualified will continue to keep the residential quarters which they have been occupying. Secondly, they will also continue to keep the telephone facilities at the same rates which they were enjoying earlier. There will be no refund of any loan for car, for house or any other loan given to them as members of the Legislative Assembly. On payment of usual instalments and fulfilment of other conditions they will also be entitled to other facilities and allowances as other members of the Assembly as if they have not been disqualified. This order will be subject to the final order of this Court. In case the disqualification is upheld those members will be liable to refund the monetary privileges and other benefits they will be enjoying by virtue of this order.

3. The transfer petition is allowed accordingly.