

①

EDN- HE(21) F(11)-01/2019-Misc.
Directorate of Higher Education
Himachal Pradesh, Shimla -1
Tel. No. 0177-2653120 Extn. 234
E- mail- dhe-sml-hp@gov.in & genbr@rediffmail.com

Urgent

Dated: Shimla-171001 the 10th December, 2019

To

All the Deputy Directors of Higher Education,
in Himachal Pradesh.

Subject: COPC No-256/2018- Ram Swaroop Vs Sh. Arun Kumar & ors.
Memo,

Please find enclosed herewith a copy of Judgement passed by
Supreme Court of India in COPC No. -256/2018- Ram Swaroop Vs Sh. Arun Kumar & ors.

In this connection, you are hereby directed to go through the
contents given in COPC No-256/2018- Ram Swaroop Vs Sh. Arun Kumar & ors. judgement
and circulate the same amongst the field functionaries under your control to implement the
judgement / orders in letter ~~in~~ spirit and send the compliance report to this office, so that
the A.D. can be appraised in the matter accordingly.

Kindly treat it as most urgently.


Director of Higher Education
Himachal Pradesh, Shimla-1

Endst. No. Even Dated: Shimla-171001 the 10th December, 2019
Copy to :

1. The Superintendent, Legal Cell, Directorate of Higher Education, Himachal Pradesh,
Shimla-1 w.r.t. your U.O. No. EDN-H(18)LC-158/2019- MND- Dated-06.12.2019
- ✓ 2. The Superintendent, IT Cell, Directorate of Higher Education, Himachal Pradesh,
Shimla-1 for uploading on the departmental website.
3. Guard file.

शिक्षा निदेशालय उच्चतर शिक्षा

11 DEC 2019


Director of Higher Education
Himachal Pradesh, Shimla-1

(153) 578 88388
29/11/19

No.EDN (D)1-884 /2018
Government of Himachal Pradesh,
Department of Education (D).

From

The Chief Secretary to the
Government of Himachal Pradesh, Shimla-2

To

1. All Administrative Secretaries
to the government of Himachal Pradesh.
2. All Heads of Departments
Himachal Pradesh.

Dated: Shimla-171002, the 23-11-2019

Subject:-

COPC No. 256/2018 -Ram Swaroop V/s Sh. Arun Kumar
Sharma & Ors.

Sir,

I am to enclose herewith a photocopy of order dated 27-09-2019 passed in Special Leave to Appeal (C) No(s). 22588/2019 by the Hon'ble Supreme Court of India. While deciding the SLP(C), the Hon'ble Supreme Court of India has observed as under:-

“The Division Bench dismissed the appeal on the ground of limitation and we are in complete agreement with the view taken. If the State Government cannot handle its legal affairs and file the appeals in time then it must suffer the consequences. It is always open for them to recover any financial impact from the officers concerned responsible for the delay.

The Special Leave Petition is dismissed.

Pending application, if any, stands disposed of.”

It is further stated that in related COPC No. 256/2018 titled as Ram Swaroop V/s Sh. Arun Kumar Sharma, Hon'ble High Court observed that the above observations of Hon'ble Supreme Court of India need to be circulated throughout the State and directed Chief Secretary to the Govt. of H.P. to circulate to all the concerned departments, to ensure strict compliance of the said order of Hon'ble Supreme Court of India to avoid embarrassment in future.

In this regard, it is directed that the judgments/orders of the

2
27/11
Sh. V/s.

157

-2-

Hon'ble Courts should be examined properly to implement the same, immediately. If decided to agitate the judgment in question, then the same may be agitated within the time frame provided for appeal.

It should also be ensured that the directions of the Hon'ble Court be implemented in letter and spirit to avoid any adverse orders from the Hon'ble Courts.

You are, therefore, requested to kindly bring the directions of Hon'ble Court (Copy enclosed) in the knowledge of all officers/officials under your control for strict compliance and ensure action against the defaulters responsible for any lapse for delay in handling of court matters.

Yours faithfully,

skant


(Dr. Shrikant Baldi, IAS)
Chief Secretary to the
Government of Himachal Pradesh.

Endst .No. As above.

Dated: Shimla-2, the

23-11-2019

Copy is forwarded to the Ld. Advocate General, Himachal Pradesh, Shimla-1.


(Ved Bhushan Sugian)
Deputy Secretary (Education) to the
Government of Himachal Pradesh

Copy to:-

Section officer (edu- A)

ITEM NO. 7

155

COURT NO. 10

SECTION XIV

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). 22588/2019

(Arising out of impugned final judgment and order dated 15-05-2019 in LPA No. 37/2019 passed by the High Court Of Himachal Pradesh At Shimla)

THE STATE OF HIMACHAL PRADESH & ORS.

Petitioner(s)

VERSUS

RAM SWAROOP & ORS.

Respondent(s)

(FOR ADMISSION and I.R.)

Date : 27-09-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. Vikas Mahajan, Adv.
Mr. Aakash Varma, Adv.
Mr. Anil Kumar, Adv.
Mr. Vinod Sharma, AOR

For Respondent(s)

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

The Division Bench dismissed the appeal on the ground of limitation and we are in complete agreement with the view taken. If the State Government cannot handle its legal affairs and file the appeals in time then it must suffer the consequences. It is always open for them to recover any financial impact from the officers concerned responsible for the delay.

The Special Leave Petition is dismissed.

Pending application, if any, stands disposed of.

Signature Not Verified
Digitally signed by
ANITA RANI AHUJA
Date: 20-09-2019 16:29:04 IST
Reason: []

(ASHA SUNDRIYAL)
COURT MASTER

(ANITA RANI AHUJA)
COURT MASTER