

ITEM NO.1 Court 1 (Video Conferencing) SECTION IV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 2021-2029/2020 (Arising out of impugned final judgment and order dated 07-08-2019 in WP No. 11740/2018 07-08-2019 in WP No. 26640/2018 07-08-2019 in WP No. 173/2019 07-08-2019 in WP No. 181/2019 07-08-2019 in WP No. 236/2019 07-08-2019 in WP No. 240/2019 07-08-2019 in WP No. 1983/2019 07-08-2019 in WP No. 2105/2019 07-08-2019 in WP No. 3496/2019 passed by the High Court Of M.P Principal Seat At Jabalpur)

THE REGISTRAR GENERAL M.P. HIGH COURT JABALPUR Petitioner(s)

VERSUS

BASANT KUMAR GUPTA & ORS. Respondent(s)
(IA No. 75340/2020 - VACATING STAY
IA No. 75331/2020 - VACATING STAY)

Date : 27-08-2020 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr.Ravindra Shrivastava, Sr. Adv.
Mr. Arjun Garg, AOR
Ms. Shrutika Garg, Adv.

For Respondent(s) Mr. Rajul Shrivastav,Adv.
Mrs.Anuradha Mishra,Adv.
Mr. K. Krishna Kumar, AOR

Ms. Swarupma Chaturvedi,AAG
Mr. Sunny Choudhary, AOR

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

Heard learned counsel for the parties.

The special leave petitions are directed against the judgment and order dated 07.08.2019 in W.P. No. 11740 of 2018, W.P. No. 26640 of 2018, W.P. No. 173 of 2019, W.P. No. 181 of

2019, W.P. No. 236 of 2019, W.P. No. 240 of 2019, W.P. No. 1983 of 2019, W.P. No. 2105 of 2019 and W.P. No. 3496 of 2019 passed by the High Court of Madhya Pradesh Principal Seat at Jabalpur by which the High Court considered challenge to the orders of the District Judge confirmed in appeal by the High Court (on its administrative side) imposing penalty on the respondents (herein) for having more than 2 children, after the cut off date, as per the Conduct Rules. We do not consider it necessary to go into the details of the individual cases of the respondents. Suffice to say that each one of them got 3rd or the 4th child, after the amendment to the Conduct Rules, which made it a misconduct to have more than 2 children. But having regard to the circumstances of the case, the High Court thought fit to modify the punishment of withholding two increments with cumulative effect into one of censure. The High Court relied upon the judgment in the case of *Ranjit Thakur Vs. Union of India and Others reported in (1987) 4 SCC 611*. Even so, the High Court did not disturb the findings on the point of misconduct on account of the Explanation to Clause (4) of Rule 22 of the M.P. Civil Service (Conduct) Rules, 1965. We find no reason to interfere with this order of the High Court which is humane and appropriate for dealing with the alleged misconduct and we do not wish to interfere with the judgment of the High Court, insofar as it

granted relief to judicial employees. Therefore that portion of the order of the High court granting relief to the respondents, is hereby confirmed.

However, we find that the High Court has committed a serious error in issuing general and overarching directions in the penultimate paragraph of the judgment, which reads as under:

"It is further directed that all the cases pending prior to 28.06.2019 before any of the District Judge, shall be dealt with by the penalty as observed hereinabove. It is also directed that the appeal pending on administrative side before the Registry of the Court shall also be dealt with imposing the penalty of Censure following the consequence of such penalty and appropriate orders be passed."

We, therefore, set aside the aforesaid directions above, as beyond the scope of the *lis* before the High Court.

Ordered accordingly.

Insofar as other pending cases are concerned, the Disciplinary Authority shall exercise their discretion having regard to the facts of each case.

The special leave petitions are disposed of in above terms.

Pending application(s), if any, shall also stand disposed of.

(MADHU BALA)
AR-CUM-PS

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR