

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 (Civil) No(s).8932/2006

(From the judgement and order dated 29/03/2006 in CR No.1051/2001  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

PUNJAB PUBLIC SERVICE COMMN.& ANR Petitioner(s)

VERSUS

RAJIV KUMAR GOYAL Respondent(s)

(With prayer for interim relief and office report)

With S.L.P. (C) No.8796 of 2006  
(With prayer for interim relief and office report)

Date: 01/09/2010 These Matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN  
HON'BLE MR. JUSTICE SWATANTER KUMAR

For Petitioner(s) Mr. Atul Nanda,Adv.  
In SLP 8932/2006: Mr. Balaji Subramaniam,Adv.  
for M/s. Law Associates & Co.,Advs.

In SLP 8796/2006: Mr. Shyam Divan,Sr.Adv.  
Mr. Bimal Roy Jad,Adv.  
Mr. T.N. Singh,Adv.  
Mr. V.K. Singh,Adv.  
Mr. Vikram Rathore,Adv.

For Respondent(s) Mr. Prem Malhotra,Adv.  
Mr. Gaurav Bhargava,Adv.  
Mr. Ajay Bansal,AAG.  
Mr. Devender Singh,Adv.  
Mr. Sumit Pargal,Adv.  
Mr. Ajay Pal,Adv.  
for Mr. Sanjay Jain,Adv. (N/P)

....2/-

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

By consent, the matters are taken up for  
hearing.

Leave granted.

Heard learned counsel on both sides.

The civil appeals are disposed of.

No order as to costs.

[ T.I. Rajput ]  
A.R.-cum-P.S.

[ Madhu Saxena ]  
Assistant Registrar

[Signed order is placed on the file]

□ IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7335 OF 2010  
(Arising out of S.L.P. (C) No.8932 of 2006)

Punjab Public Service Commission & Anr.

...Appellant(s)

Rajiv Kumar Goyal

...Respondent(s)

with Civil Appeal No.7336/2010 @ S.L.P. (C) No.8796/2006

O R D E R

By consent, the matters are taken up for hearing.  
Leave granted.  
Heard learned counsel on both sides.

In the suit for declaration as to whether the plaintiff, Rajiv Kumar Goyal, is qualified for the post of PCS Executive, the plaintiff had moved an application under Order XI Rule 14 of the Code of Civil Procedure, 1908, seeking certain interrogatories/documents, a list of which is available at page 37 of the paper book. This application was allowed against which revision was filed before the High Court. By the impugned judgement, the High Court directed the plaintiff to move under the provisions of Right to Information Act, 2005.

...2/-

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The question which arises, before us, for determination in the present cases is: whether the provisions of Right to Information Act, 2005, could supplant the provisions of the Code of Civil Procedure, 1908, as contained in Order XI Rule 14, in the pending trial?

When these matters came up for hearing today, learned counsel appearing on behalf of the parties conceded that the application made before the Trial Court under Order XI Rule 14 of the Code of Civil Procedure be re-tried. We make it clear that, in view of the said concession, the Trial Court will decide the matter de novo in terms of Order XI Rule 14 of the Code of Civil Procedure. Hence, we are not required to go into the larger question of law.

Accordingly, we set aside the impugned judgement of the High Court as well as of the Trial Court and remit the case to the Trial Court to decide the application in accordance with the provisions of the Code of Civil Procedure, 1908.

The civil appeals are, accordingly, disposed of.  
No order as to costs.

.....CJI.  
[S.H. KAPADIA]

.....J.  
[K.S. RADHAKRISHNAN]

.....J.  
[SWATANTER KUMAR]

New Delhi,  
September 01, 2010.