

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.4206 OF 2008

Goverdhan Pujari

...Appellant(s)

Versus

Jugal Kishore Sahu

...Respondent(s)

With Civil Appeal Nos.4207 of 2008 and 4387 of 2008

O R D E R

Heard learned counsel for the appellant, learned counsel for the respondents and the respondent, who has appeared in-person in Civil Appeal No. 4207 of 2008.

Disciplinary Committee No.(II) of the Orissa State Bar Council consisting of three persons, one of whom was one Shri R.K. Mohanty, advocate, dismissed the complaints filed by the appellant. The said order has been confirmed in appeal by the Bar Council of India. Hence, these appeals.

The appellant has challenged the impugned orders mainly on the ground that Shri R.K. Mohanty, Advocate ceased to be a Member of the Disciplinary Committee (II) of the State Bar Council on 23.12.1999 and, therefore, he could not have, as a Member of the Committee, decided the complaints. It has not been disputed before us that the day on which the complaints filed by the appellant were dismissed, Shri R.K. Mohanty was not a Member of Disciplinary Committee (II) of the State Bar Council. Therefore, on this ground alone, the impugned orders are liable to be set aside.

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Accordingly, the appeals are allowed, impugned orders are set aside with the direction to the State Bar Council to decide the complaints afresh. The Chairman of the Orissa State Bar Council shall see that the complaints filed by the appellant are placed before properly constituted Disciplinary Committee and disposed of in accordance with law.

[B.N. AGRAWAL]J.

[G.S. SINGHVI]J.

New Delhi,
January 12, 2009.