
(1998) 02 SC CK 0011

In the Supreme Court Of India

Case No : S.L.P. (C) No. 4495/98 (From the judgment and order dated 23/02/98 in WP 7151/98 of THE HIGH COURT OF ALLAHABAD)

Jagdambika Pal

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 27-02-1998

Acts Referred:

Citation : (1998) 4 JT 319 : (1999) 1 RLW 1 : (1998) 2 SCALE 83 : (1998) 1 UPLBEC 557

Hon'ble Judges : M. M. Punchhi, C.J.; S.C. Agrawal, J; K.T. Thomas, J

Bench : Full Bench

Final Decision : Disposed Of

Judgement

1. We stand informed through the statements made at the Bar as also through the fax communication from the Speaker, U.P. Assembly that the composite floor-test, in strict compliance of our order dated February 24, 1998 did take place orderly and peacefully and as a result thereof 225 votes were secured by Shri Kalyan Singh and 196 votes by Shri Jagdambika Pal, claimants in rivalry to the Chief Ministership of the State. This position concededly has emerged as of late.

2. Conduct of the Speaker in one respect has been severely criticized in his withholding verdict in the disqualification case of 12 members under the Anti Defection Law, despite the fact that he had concluded the hearing day before yesterday on February 25, 1998 raising pursuant expectations which stand belied. We would rather reserve comment thereon at present in view of the wide margin of the votes gathered. Even when those 12 members are taken to have voted in favour of Shri Kalyan Singh, their votes when subtracted from those polled still leaves him to be the one having majority in the House. Correspondingly, those 12 votes do not go to Shri Jagdambika Pal who would still be in minority. We, therefore, need not pursue this aspect any further.

3. In view of these developments, the impugned interim order of the High Court in putting Shri Kalyan Singh in position as Chief Minister should be and is,

hereby, made absolute subject of-course to Democratic process. Shri Kalyan Singh had at a point of time offered to the Governor facing floor-test which was declined. On his dismissal his rival on being sworn in as the Chief Minister was required to undergo the floor-test in a time frame. We have facilitated both in one go. Both have had their measure of strength. In these circumstances, keeping any attendant issues alive in the form of the writ petition before the High Court would now be not conducive to political peace and tranquility, as also overall harmony.

4. The Special Leave Petition, as also the Writ Petition before the High Court, would stand disposed of. All orders precedent thereto, and connected therewith, be they administrative, executive or judicial would stand submerged under the present order. Ordered accordingly.