



W.A.Nos.1037 and 1036 of 2021
and C.M.P.Nos. 6540 and 6539 of 2021

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PARESH UPADHYAY, J.
and
D.BHARATHA CHAKRAVARTHY, J.

(Order of the Court was made by PARESH UPADHYAY, J.)

1. Challenge in these appeals is made to the common judgment and order dated 23.12.2020 recorded on group of writ petitions being W.P.No.14853 of 2019 and connected petitions. Notice was issued by this Court on 06.07.2021. Appeals are heard from time to time thereafter. As noted in the order of this Court dated 13.10.2022, arguments were already concluded and the matter was kept pending, at the request of the State Authorities, since they wanted to place certain documents on record, which are taken on record today.

2. We note that, as recorded in order dated 13.10.2022, the impugned order of learned single Judge (dated 23.12.2020) is challenged by one of the parties before Hon'ble the Supreme Court in Special Leave Petition (C) No.3792 of 2021. In view of this, propriety demands that, we may not express any opinion qua the sustainability of the impugned order of learned single Judge, however the following aspects need to be noted.



WEB COPY 3. Para 25-b of the impugned order of learned single Judge reads as under:-

"25-b. The entire process of implementation of the Government Letter in Letter (MS) No. 17, dated 30.01.2019, shall be completed and kept ready within a period of three months and the actual implementation shall be kept in abeyance till the disposal of WP No. 23342 of 2019, wherein, a larger issue has been raised regarding the inter-se rights between the direct recruits and promotees to the post of Sub-Registrar Grade-II and an interim order has also been passed by this Court."

4. It is noted that the above referred W.P.No.23342 of 2019 was subsequently decided by learned single Judge vide judgment and order dated 03.03.2022. The said order is the subject matter of W.A.No.2308 of 2022 and W.A.No.1027 of 2022. The said judgment dated 03.03.2022 is stayed by this Court by an order recorded on C.M.P.No.17641 of 2022 in W.A.No.2308 of 2022. Appropriate order is also recorded on W.A.No.1027 of 2022 taking note of the stay ordered on W.A.No.2308 of 2022.



5. Since the order arising from the said writ petition (W.P.No.23342 of 2019) is stayed by this Court as noted above, going by the stipulation provided by learned single Judge in para 25-b (as quoted above), the actual implementation of the order dated 23.12.2020 needs to be and is ordered to be kept in abeyance till disposal of W.A.Nos.2308 of 2022 and 1027 of 2022. We also note that, since the State has accepted the impugned order dated 23.12.2020, in due compliance of the directions issued by learned single judge vide para 25-b, the State can not implement the said order and therefore is restrained from implementing the said order, for the reasons and circumstances noted above.

6. Liberty is reserved to the parties for early listing of these appeals. In view of pendency of the proceedings before Hon'ble the Supreme Court (arising from the very same order), appropriate call may be taken by the Bench of this Court, about hearing of these appeals, at appropriate time.

(P.U.,J.) (D.B.C.,J.)
17.10.2022

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4

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