

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 683/1997

Moolchand K Ram Hospital .. Appellant (s)
Karamchari Union
Vs.

Moolchand K.R. Hospital & Anr. .. Respondent(s)

DATE : 14.11.2000 : This/These matter (s) was/were
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE S.N. VARIAVA

For Appellant (s) : Ms. Shayamla Pappu, Sr. Adv.
Ms. Asha Jain Madan, Adv.
Mr. Mukesh Jain, Adv.
Mr. Sushil K. Pathak, Adv.

For Respondent (s) : Mr. Gopal Jain, adv.
Mr. K.S. Rana, Adv.

Ms. Sunita Sharma, adv.
Ms. A. Subhashini, Adv.
Mr. B.V. Balramdas, adv.

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....J
.SP2

The appeal is allowed in terms of the signed order.

.SP1

(Meenu Sethi)
Court Master

(Meena Trikha)
Court Master

Signed order is placed on the file

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.683 of 1997@@
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Shri Mool Chand Kharati Ram .. Appellant
Hospital Karamchari Union

Vs.

Mool Chand Kharati Ram Hospital .. Respondents
and Anr.

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A Writ Petition was filed in the High Court by the appellant in relation to termination of services of Captain Gesodha and Shri Darshan Lal Mamgai. That Writ petition came up for hearing before a bench of two judges who dismissed the same summarily without indicating as to the reasons why they are not giving relief sought for by the petitioners in that writ petition or otherwise. This appeal is directed against that order. On the face of it, it is clear that there was no consideration of the matter by the High Court and, therefore, we have no option but to set aside the order made by the High Court on 14.3.1995 and remit it for fresh consideration. At this stage the learned counsel for the respondents submits that the High Court obviously dismissed the Writ petition as it was not maintainable against a private institution. However, it is unnecessary to examine the correctness of the contention raised on behalf of the respondents and it would be appropriate for him to raise this contention before the High Court when the matter is taken up for hearing. The order

made by the High Court is accordingly set aside and the matter is remitted to the High Court for fresh consideration in accordance with law. Considering the fact that the matter is pending for a long time, it would be appropriate for the High Court to dispose of the same as expeditiously as possible. The appeal is allowed accordingly.

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(S. RAJENDRA BABU)@@
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(S.N. VARIAVA)@@
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New Delhi, @@
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November 14, 2000.