

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)...../2005

CC 2953/2005

(From the judgement and order dated 11/08/2004 in SA No. 36/2003 of The
HIGH COURT OF UTTARANCHAL AT NAINITAL)

STATE OF UTTARANCHAL & ORS.

Petitioner(s)

VERSUS

TRIPT KUMAR & ORS.

Respondent(s)

(With IA.1 appln. for c/delay in filing SLP)

Date: 01/04/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL

HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner(s) Mr.Avatar Singh Rawat,Adv.

Mr. Jatinder Kumar Bhatia,Adv.

For Respondent(s) Mr. Shrish Kumar Misra,Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Leave granted. The appeal is allowed but without any order
as to

costs.

(Usha Bhardwaj)
P.S. To Registrar

(Shelly S.Gupta)
COURT MASTER

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2342 OF 2005

(Arising out of SLP(Civil) No.....C.No.2953/2005)

State of Uttaanchal & Ors. ..
Appellant(s)

Versus

Tript Kumar & Ors. ..
Respondent(s)

O R D E R

Delay condoned.

The respondents are present on caveat. Formal service of
notice is, therefore,

dispensed with.

Leave granted.

The impugned order of the High Court proceeded on the basis that
the only

issue between the parties related to the non-payment of salary. Since the appella
nt had

already paid the salary, the Division Bench was of the view that the appeal has be
come

infructuous and, accordingly, dismissed it.

Our attention has been drawn to the fact that t
he respondents-writ

petitioner had, apart from the payment of salary also asked for quashing of the or
der of

the Director by which their appointments had not been approved. The writ petition
had

been disposed of on 16th September, 2003 by the following order:

"Upon hearing the learned counsel for the p
arties, it is

provided that since he petitioners

:2:

are teaching continuously, they shall be paid salary regularly eve
ry

month and arrears shall be cleared off within a period of three months

from the date of production of certified copy of this order.

With the aforesaid observations, the petition is dispose
d

of finally."

The appeal was preferred from this order. In the circumstances it could n
ot

be said that the appeal was limited to the question of non-payment of salary alone. The

impugned order is, therefore, set aside and the matter is remanded back
to the High

Court for disposal of the appeal after considering all the contentions raised by both th
e

parties.

The appeal is, accordingly, allowed but without any order as to costs.

.....J

[RUMA PAL]

.....J [ARU

N KUMAR]

NEW DELHI,

APRIL 01, 2005.