

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(s). 5968 OF 2007

MUNICIPAL CORPN., JAIPUR & ANR.

Appellant (s)

VERSUS

FIROZ MOHAMMED

Respondent(s)

(With prayer for interim relief and office report )

Date: 13/09/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE CYRIAC JOSEPH  
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s)

Mr. B.D. Sharma, Adv.  
Mr. Narottam Vyas, Adv.

For Respondent(s)

Mr. M.R. Calla, Sr. Adv.  
Mr. Amit Kumar Singh, Adv.  
Mr. P.D. Sharma, Adv.

UPON hearing counsel the Court made the following  
O R D E R

This appeal is disposed of directing that S.B. Civil Second Appeal No. 167 of 2005 filed by the respondent in the High Court of Rajasthan at Jaipur shall be treated to have been withdrawn and consequently, this appeal has become infructuous.

(Sukhbir Paul Kaur)  
Court Master

(Renuka Sadana)  
Court Master

(Signed Order is placed on the file)  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5968 OF 2007

MUNICIPAL CORPORATION, JAIPUR AND ANR.

Appellant(s)

Versus

FIROZ MOHAMMED

Respondent(s)

O R D E R

The respondent Firoz Mohammed had filed a Civil Suit against the appellant - Corporation in the Court of Additional Civil Judge (Junior Division), Jaipur City, Jaipur apprehending that his appointment as Time-Keeper would be terminated by the appellant. He prayed for injunction restraining the appellant from discharging the respondent from service. The suit was dismissed by the Court of Additional Civil Judge. The appeal filed by the respondent also was dismissed by the Court of Additional District Judge No.8, Jaipur City. Thereupon, the respondent filed S.B. Civil Second Appeal No. 167 of 2005 in the High Court of Rajasthan at Jaipur. By an Order dated 20th December, 2005, the High Court admitted the Second Appeal, stayed the operation of the impugned judgments and decrees during the pendency of the Second Appeal and directed the respondents (appellants herein) to allow the appellant (respondent herein) to work on the post of Time-Keeper and to provide him attendance register to

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mark his attendance. It was also directed that the appellant should be paid salary as usual. Aggrieved by the said interim order passed by the High Court, this appeal was filed by the appellant - Corporation.

While issuing notice in the Special Leave Petition on 13.2.2006, this Court passed an interim order staying the impugned judgment of the High Court. The said interim order has been continued even after leave was granted in this case on 13.12.2007.

Today, Mr. M.R. Calla, learned senior counsel appearing for the respondent submitted that in view of an Office Order dated 17.8.2011 passed by the Chief Executive Officer of the appellant - Corporation appointing the respondent as Time-Keeper in the

Corporation, the respondent does not propose to pursue the Second Appeal filed by him in the High Court and that the respondent has already filed an application in the High Court for withdrawing the Second Appeal. Learned senior counsel further submitted that this appeal may be disposed of recording the above facts and treating the Second Appeal as withdrawn. Learned Counsel for the appellant has no objection to the above submission.

In the above circumstances, this appeal is disposed of directing that S.B. Civil Second Appeal No. 167 of 2005 filed by the respondent in the High Court of Rajasthan at Jaipur shall be treated to have been withdrawn and consequently, this appeal has become

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infructuous.

The High Court may pass appropriate consequential orders in the Second Appeal.

.....J.  
(CYRIAC JOSEPH)

.....J.  
(T.S. THAKUR)

New Delhi,  
September 13, 2011