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SLP(C)No. 3928 OF 2001
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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2521 OF 2002@@
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(Arising out of SLP(C) No.3928/2001)

Md. Ekramul Haque ...Appellant

Versus

State of West Bengal & Ors. ...Respondents

O R D E R

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.....L.....I.....J
Leave granted.

The appellant had filed a writ petition before the High Court and during the pendency of the writ petition an interim order was made by the High Court on 22.9.1992 and that interim order was in force till the disposal of the writ petition. However, while disposing of the matter finally the High Court stated that the authorities concerned are entitled to recover the salary that was paid to the appellant during the pendency of the proceedings before the Court. The matter was carried in appeal unsuccessfully and the order made by the High Court is now in challenge before us.

While directing notice on March 19,2001 this Court confined the matter only to recovery of amount of salary for the period for which the appellant had worked in the ...2/-

establishment in question. Inasmuch as the appellant has already worked and earned his income, it was not appropriate for the High Court to have directed that the same should be recovered at the time of the disposal of the matter. That portion of the order made by the High Court to the extent of directing recovery of salary shall stand deleted and on other aspects the order made by the High Court shall remain undisturbed. The appeal is partly allowed to the extent stated above.

.SP1
.....J
[S. RAJENDRA BABU]

.....J
[B.N. AGRAWAL]

New Delhi,
April 5, 2002.

