

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) No(s).22384/2004

(From the judgement and order dated 18/11/2003 in CMWP No.51141/2003
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

DHARAM BIR SINGH

Petitioner(s)

VERSUS

MANSI SAHAKARI AVAS SAMITI LTD. & ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP, permission to place addl. facts on record and ground
s and
exemption from filing O.T.)

Date: 11/04/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner(s)

Mr. M.D. Adkar,Adv.

Mr. S.D. Singh,Adv.

Mr. Vijay Kumar,Adv.

Mr. Vishwajit Singh,Adv.

For Respondent(s)

Mr. Praveen Jain,Adv.

Mr. P.K. Jain,Adv.

UPON hearing counsel the Court made the following

O R D E R

Exemption allowed.

Delay condoned.

and Application for permission to place additional facts grounds on record is allowed.

on the On 11th October, 2004, limited notice was issued on question of clarifying the impugned judgement not having any effect the decision in Civil Suit No.1397 of 2003.

.2/-

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The writ petition challenging the removal of the petitioner as Honorary Secretary has been dismissed by the High Court by the impugned order dated 18th November, 2003. One of the contentions urged before the High Court was that the order dated 2nd November, 2003, terminating the petitioner casts a stigma on him. The High Court, while dismissing the writ petition, has not gone into this question as to whether the said order is stigmatic or not but has held that the petitioner has no right to the post, being an Honorary appointment. In fact, a suit, being Civil Suit No.1397 of 2003, is admittedly pending in the Civil Court where declaration about the invalidity of the order of termination has been sought. We clarify that the observations made by the High Court, in the impugned order, would not affect the merits of the said suit inasmuch as the question as to whether the termination is stigmatic or not, having not been gone into by the High Court, would be decided in the civil suit on merits and in accordance with law, if the suit is otherwise competent. It would be open to the respondent to take such legal pleas, as may be permissible, including the plea of maintainability of the suit.

With these observations, the special leave petition is disposed of.

[T.I. Rajput]

Court Master

[Phoolan Wati Arora]

Court Master