

J
C.A.No. 5578 OF 1998
ITEM No.111
Court No. 1
SECTION IV

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.5578 of 1998

JOGINDER SINGH
Appellant (s)

VERSUS

GOVT. OF PUNJAB, F.S.D. & ORS.
Respondent (s)

Date : 12/11/2003 This Appeal was called on for hearing today.

CORAM :
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE S.B.SINHA

For Appellant (s)
Mr. Manoj Swarup, Adv.
Mr. Uday Gupta, Adv.

For Respondent (s)
Mr. Sarup Singh, Sr. Addl. Adv. Gen.Pb.

Mr. R.S. Suri, Adv.

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

Appeal is allowed in terms of the Signed Order. There will be no order as to costs.

Sushma
(Janki Bhatia) Court Master

Signed order is placed on the file.
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No.5578 of 1998

JOGINDER SINGH
Appellant (s)

VERSUS

O R D E R

The appellant herein filed a suit for declaration that his reversion from the post of Inspector to the lower post is illegal, null and void. The trial court dismissed the suit and first Appellate Court confirmed the decree. The appellant filed second appeal before the High Court. The High Court dismissed the second appeal inter alia on the ground that since then who were senior to the appellant are yet to be promoted, the case does not call for any interference.

This approach of the High Court was totally erroneous. Section 100 of the CPC provides that a second appeal could be entertained where a substantial question of law is involved. The primary question before the High Court inter alia was as to whether the order of reversion of the appellant was illegal. In that view of the matter, we set aside the order under challenge and remit the matter back to the High Court for considering the second appeal filed by the Appellant in terms of Section 100 of the Code of Civil Procedure, 1908. Hence, the appeal is allowed. There will be no order as to costs.

...2/-
-2-

The original record of the same shall be sent back forthwith.

.....CJI
(V.N. KHARE)

NEW DELHIJ
November 12, 2003 (S.B. SINHA)