

ê

SLP(C)No. 10405 OF 2001
ITEM No.205

Court No. 2

SECTION XVII
A/N MATTER

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.10405/2001
(From the judgment and order dated 12/12/2000 in LPA 1252/99
of The HIGH COURT OF PATNA)

ABHAY KUMAR PANDEY

Petitioner (s)

VERSUS

STATE OF BIHAR & ORS. Respondent (s)
(With prayer for interim relief)
(With Appln(s). for permission to submit additional document(s) and
exemption from filing O.T.)
(For Final Disposal)

Date : 08/08/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner (s)Mr. P.S. Mishra, Sr. Adv.
Mr Pavan Kumar, Adv.
Mr. Amitesh Mishra, Adv.

For Respondent (s)Mr. Saket Singh, Adv.
Mr. B.B. Singh, Adv.

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

Leave granted.

The appeals is disposed of in terms of the signed order.

Charanjit

[OM Prakash]
Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6297 OF 2003
(Arising out of SLP(C) No. 10405/2001)

Abhay Kumar Pandey

...
Appellant (s)

Versus

State of Bihar & Ors.

...
Respondent (s)

O R D E R

Leave granted.

In the peculiar facts and circumstances of this case, we think the order made by the learned Single Judge should have been upheld by the Division Bench, particularly, when the appellant had continued in service for over nine years. The equities should have been properly applied. But, it appears after the order made by the Division Bench of the High Court, the services of the appellant have been terminated. In the circumstances, the order made by the learned single Judge is restored and the order of the Division Bench is set aside, by reinstating the respondent in service but he will not be entitled to back wages. Let

such action be taken within three months from today.
The appeal is disposed of accordingly.

.....J
]

.....
[S. RAJENDRA BABU

.....J
NEW DELHI,
August 8, 2003.

.....
[G.P. MATHUR]