

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).5493/2006

(From the judgement and order dated 17/01/2006 in SA No. 40/2006 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

SECRETARY, U.P.P.S.C. & ANR.

Petitioner(s)

VERSUS

ISHWAR PRASAD PATEL & ANR.

Respondent(s)

(With appln(s) for permission to place addl. documents on record and prayer for interim relief and office report)

Date: 20/11/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Petitioner(s)

Mr. Shail Kumar Dwivedi,Adv.

For Respondent(s)

Mr. P.K. Jain,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

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

(J.S. Rawat)

(Kanwal Singh)

AR-cum-PS

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5086 OF 2006
(Arising out of SLP(C) No. 5493 of 2006)

Secretary, U.P.P.S.C. & Anr.

Appellant(s)

Versus

Ishwar Prasad Patel & Anr.

Respondent(s)

O R D E R

Leave granted.

This appeal is against an interim order of the Division Bench of the High Court.

Father of the respondent was in the employment of the appellant as a daily wage worker. He died in the year 2004. The respondent made a representation for appointment on compassionate grounds. As there was no response to the representation, the respondent filed a writ petition in the High Court. By way of an interim order, the Single Judge of the High Court directed the appellant to employ the respondent within a month from the date of the order, on daily wages.

The appellant being aggrieved, filed appeal before the Divis

ion

Bench which was admitted but no stay of the order impugned before it was granted.

Being aggrieved against the interim order of the High Court, the appellants have filed the present appeal.

We have heard the counsel for the parties.

This Court ordinarily does not interfere with the interim orders/directions except for compelling reasons. This Court in *Manager, State Bank of Hyderabad and Ors. v. Puran* [(2000(10)SCC 437)] has held that "by way of an interim order, the High Court could not have directed compassionate appointment to be given to the respondent either on casual or temporary or any other basis. Serious complications would arise if such interim order was complied with and if ultimately it was found that the writ petition had no merit."

In view of the foregoing decision, the Division Bench of the High Court has clearly erred in not granting stay of the order of the Single Judge impugned before it. Accordingly, the impugned order is set aside and the order of the Single Judge impugned before the Division Bench shall remain stayed during the pendency of the appeal before the High Court. The appeal stands disposed of. No costs.

Nothing stated herein above shall be taken as an expression of opinion on the merits of the case and the Division Bench shall proceed with and decide the appeal, in accordance with law, without being influenced

by any of the observations made in this order of ours.

....J.

.....
(ASHOK BHAN)

New Delhi;

....J.

November 20, 2006.

.....
(DALVEER BHANDARI)