

SLP(C)No. 6840 OF 2001

ITEM No.57

Court No. 4

SECTION XI
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.6840/2001

(From the judgement and order dated 01/03/2001 in WP 306/2000
of The HIGH COURT OF U.P AT LUCKNOW)

UNION OF INDIA

Petitioner (s)

VERSUS

ASHWANI KUMAR DIXIT

Respondent (s)

(With prayer for interim relief)

Date : 30/07/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s) Mr. K.N. Rawal,ASG
Ms. Meenakshi Arora,Adv.
Mr. B.V. Balaram Das,Adv.

For Respondent (s) Mr. G.K. Banerjee,Adv.
Mr. R.C. Verma,Adv.

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

.....L.....I.....T.....T.....T.....T.....J.

.SP2

Leave granted.
The appeal is disposed of.

.SP1

(Y.P.Dhamija) (D.D. Jindal) @@
AA
COURT MASTER Asstt. Registrar

Signed order is placed on the file.

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IN THE SUPRME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO...../2001@@
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(arising out of SLP(C) No. 6840/2001)

U.O.I. ...Appellant

Vs.

Ashwani Kr. Dixit ...Respondent

O R D E R@@
EEEEEEEEEE

.....L.....I.....T.....T.....T.....T.....J.
.SP2

Leave granted.

The question whether the respondent, an applicant for Indian Forest Service would be entitled to a third opportunity after having failed on two earlier occasions is the subject matter of consideration in the pending Writ Petition before the High Court. The Tribunal, on being approached by the respondent, directed the Union of India to grant such opportunity to the respondent. Union of India assailed the order of the Tribunal in the Writ Petition. The High Court did not grant stay of the direction of the Tribunal. On an application for contempt proceedings being filed, the impugned order has been passed by the High Court, which is being assailed before us. If the order of the Tribunal is implemented, as directed by the High Court, the Writ Petition would become infructuous. In the facts and circumstances of the case, the High Court ought to have stayed the operation of the direction of the Tribunal. In the aforesaid premises, we set aside the impugned direction of the High Court, and request the High Court to dispose of

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the Writ Petition at an earlier date. The question of granting any further opportunity to the respondent at this stage, as contended by Mr. Banerjee appearing for the respondent in implementing of the Tribunal direction, does not arise. The direction of the Tribunal is stayed till final disposal of the Writ Petition. Needless to mention, we express no opinion on the merits of the case.

The appeal is disposed of accordingly.

.SP1

.....J.
(G.B. PATTANAIAK)

New Delhi,
July 30, 2001

.....J.
(RUMA PAL)