

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5867 OF 2016
(@ SLP(CIVIL) NO.16704/2016 @ CC NO. 5073 OF 2011)

STATE OF UP & ORS

...APPELLANT(S)

VERSUS

SHIV KUMAR DUBEY

...RESPONDENT(S)

O R D E R

Heard learned counsel for the parties.

Delay condoned.

Leave granted.

Learned counsel for the parties state that as against the same judgment and order, this Court has allowed Special leave to Appeal No. 16193 of 2010 by an order dated 11th July, 2011.

A perusal of that judgment shows that the impugned order dated 18.08.2009 has been set aside and the concerned writ petition was restored, to be heard along with batch of cases pending before the High Court in Writ Petition Nos. 1659(SB)/2004, 1662(SB)/2008, 1661(SB)/2008 and 1663(SB)/2008.

This appeal is disposed of in the same terms. The impugned order is set aside and the Writ Petition NO. 42771 of 2004 is restored to be considered along with batch of cases indicated above.

In view of further directions in the order dated 11.07.2011, it is ordered that since the respondent is said to be reinstated in service, he will, therefore, continue in service subject to final decision in the writ petitions pending before the High Court.

The appeal is allowed to the aforesaid extent. No costs.

.....J.
[SHIVA KIRTI SINGH]

NEW DELHI
4TH JULY, 2016

.....J.
[R. BANUMATHI]

ITEM NO.40

COURT NO.13

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C)...../2016
(CC No(s). 5073/2011)

(Arising out of impugned final judgment and order dated 18/08/2009
in CMWP No. 42771/2004 in CMWP No. 42771/2004 passed by the High
Court Of Judicature at Allahabad)

STATE OF UP & ORS

Petitioner(s)

VERSUS

SHIV KUMAR DUBEY

Respondent(s)

I.A. No. 1/2011(with c/delay in filing SLP and interim relief and
office report)

Date : 04/07/2016 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. Ravi Prakash Mehrotra,Adv.
Mr. Rajeev Dubey,Adv.

For Respondent(s) Mr. D.N. Dubey,Adv.
Mr. Rinku Mishra,Adv.
Ms. Nivedita Nair,Adv.
Ms. Asha Gopalan Nair,Adv.

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

Heard learned counsel for the parties.
Delay condoned.
Leave granted.
The appeal is allowed in terms of the
signed order.

(Madhu Bala)
Court Master
(Signed order is placed on the file)

(Madhu Narula)
Court Master