

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).5904/2006

(From the judgement and order dated 13/12/2005 in WAMP No.1168/2004
in WA No.6812/2004 of The HIGH COURT OF MADRAS)

ST. THOMAS AIDED PRIMARY SCHOOL

Petitioner(s)

VERSUS

GOVT. OF TAMIL NADU & ORS.

Respondent(s)

[With prayer for interim relief and office report]

Date: 31/01/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE H.S. BEDI

For Petitioner(s)

Ms. V. Mohana, Adv.

For Respondent(s)

Mr. Mathai M. Paikeday, Sr. Adv.

Mr. David John, Adv.

Mr. Mukesh Kumar, Adv.

Mr. Sanjay Jain, Adv.

Mr. V.G. Pragasam, Adv.

Mr. S. Vallanayagam, Adv.

Mr. S. Prabu Ramasubramanian, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

(Subhash Chander)

Court Master

(Khushi Ram)

Court Master

[Signed Order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.401 OF 2007

[Arising out of S.L.P.(C)No.5904 of 2006]

St. Thomas Aided Primary School

.....Appellant

Versus

Govt. of Tamil Nadu & Ors.

.....Respondents

O R D E R

Leave granted.

We have heard counsel for the parties.

Having regard to the facts and circumstances of the case, we are of the

view that the High Court ought to have condoned the delay of 82 days in filing the appeal and disposed of the appeal on merit.

Counsel for the appellant submits that in the writ petition, there was no relief claimed against the appellant-institution for payment of salary, which submission is controverted by counsel for the contesting respondents. However, since we are remitting the matter to the High Court for disposal of the appeal in accordance with law, we need not go into that question.

Accordingly, this appeal is allowed. The matter is remitted to the High Court which shall decide the appeal on merit and dispose it of in accordance with law.

Till the appeal is taken up by the High Court for hearing, further action in the contempt proceeding shall not be taken.

.....J.

[B.P. SINGH]

.....J.

[H.S. BEDI]

New Delhi.

January 31, 2007.

