

ITEM NO.101

COURT NO.12

SECTION III-A

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Civil Appeal No(s). 1115/2012

KAMLAWATI YADAV & ORS.

Appellant(s)

VERSUS

SATISH CHANDRA SRIVASTAVA . & ORS.

Respondent(s)

)

Date : 02-04-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO  
HON'BLE MR. JUSTICE M.R. SHAH

For Appellant(s) Mr. Bharat Sangal, Sr. Adv.  
Ms. Babita Kushwaha, Adv.  
Ms. Anindita Deba, Adv.  
Ms. Vidushi Garg, Adv.  
Ms. Laimon R.B., Adv.

For Respondent(s) Ms. Manjula Gupta, AOR

For State of U.P. Mr. Harish Pandey, Adv.

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

The writ petition filed by the appellants questioning the order of termination of their services was allowed by the learned Single Judge of the High Court. The High Court declared that the appellants shall be deemed to be in service on ad-hoc basis and that they are entitled for the salary to be paid to them. As the direction issued to the learned Single Judge was not complied with, the appellants filed contempt petition. By

the impugned order, the High Court dismissed the contempt petition by recording the submissions made on behalf of the respondents that initial appointment of the appellants was due to collusion between the institution and the appellants.

Aggrieved by the judgment of the High Court dismissing the contempt petition, the above appeal is filed.

When the matter was listed for hearing on 7<sup>th</sup> February, 2019, Shri Bharat Sangal, learned senior counsel appearing for the appellants stated that the appellants have been working since 21 years without any salary being paid to them by the Government. We directed him to file an affidavit stating that the appellants have been working for the past 21 years without any salary.

Pursuant to the direction given by us, an affidavit is filed on behalf of the appellants in which it has been stated that the appellants were continuously working for 21 years without any salary. In the normal course, we would have remitted the matter back to the High Court for a decision on merits as the High Court did not adjudicate the issues canvassed by the appellants and the respondents. Taking into account the fact that the appellants have been working since 1989, we are of the opinion that a remand will delay the decision in the matter. We consider it appropriate to decide the matter. For better appreciation of the facts of the case, we direct the Joint Director of Education VII (Secondary) Region, Gorakhpur, Uttar Pradesh to conduct an inquiry into the manner of appointment of the appellants as Assistant Teachers and the claim of the

appellants regarding the services rendered for the past 21 years. The Report may be submitted by the Joint Director within a period of eight weeks from today.

Mr. Harish Pandey, learned counsel appearing on behalf of the State seeks permission to file his Vakalatnama/Appearance. He may do so in two days.

List the matter on 16<sup>th</sup> July, 2019.

(GEETA AHUJA)  
COURT MASTER (SH)

(SUNIL KUMAR RAJVANSHI)  
BRANCH OFFICER