

SLP(C)No. 12392-12393 OF 2003

ITEM No.56

Court No. 1

SECTION XVIA
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.12392-12393/2003

(From the judgement and order dated 19/09/2002 in LPA 120/99
and 149/99 of The HIGH COURT OF JAMMU AND KASHMIR AT JAMMU)

STATE OF J.&K. & ANR.

Petitioner (s)

VERSUS

RANJIT KOUR

Respondent (s)

(With Appln(s). for c/delay in filing SLP and prayer for interim relief)

Date : 16/02/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE AR. LAKSHMANAN
HON'BLE MR. JUSTICE S.H. KAPADIA

For Petitioner (s)Mr. Altaf H. Naiyak, AG, J&K
Mr. Anis Suhrawardy,Adv.

For Respondent (s)Mr. E.C. Agrawala,Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawal, Adv.

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

Delay condoned.

Leave granted.

The appeals are disposed of. No costs.

[Alka Dudeja] [Janki Bhatia]
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 1093-1094 OF 2004
(Arising out of S.L.P. [C] Nos. 12392-12393 of 2003)

State of Jammu and Kashmir and Anr....Appellant (s)

Versus

Ranjit Kour...Respondent(s)

O R D E R

Leave granted.

Heard counsel for the parties.

We are satisfied that the order of termination passed by the appellants is not in accordance with law. We agree with the view taken by the learned Single Judge of the High Court that the appellants may initiate a fresh departmental enquiry. So far as the payment of back salary from 23rd March, 1985 is concerned, it is not in conformity with law. However, the respondent would be entitled to her salary with effect from the date of passing of the order by the learned Single Judge, i.e., 16th February, 1999. Accordingly, the appellants shall reinstate the respondent and give her back salary from the date of passing of the order of the learned Single Judge.

The judgment under challenge is modified. The appeals stand disposed of in the aforesaid terms. No costs.

.....CJI.

.....J.

(Dr. AR. Lakshmanan)

.....J.

(S.H. Kapadia)

New Delhi,
February 16, 2004.