

dl
SLP(C)No. 9436 OF 2001

ITEM No.36

Court No. 9

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.9436/2001

(From the judgement and order dated 09/05/2001 in CMWP 12234/01
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

SECY., KAMLA NEHRU MEMO. HOSPITAL & ORS.

Petitioner (s)

VERSUS

RAVINDRA PANDEY AND ANR.

Respondent (s)

(With prayer for interim relief)

Date : 10/08/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI
HON'BLE MR. JUSTICE S.N. PHUKAN

For Petitioner (s) Mr. Arjun Bhandari, Adv.
Mr. Arun K. Sinha, Adv.
Mr. Rakesh Singh, Adv.

For Respondent (s)

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

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

Leave is granted.
The appeal is allowed. No costs.

.SP1

(S.Thapar) (Meena Trikha) @@
AA
PS to Registrar Assistant Registrar@@
AA

The signed order is placed on the file.

.PL56

L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.....OF 2001@@
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(Arising out of SLP(C)No.9436/2001)

Secy., Kamla Nehru Memo.Hospital & Ors.

Appellant (s)

Versus

Ravindra Pandey & Anr.

Respondent (s)

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

Heard Mr. Arjun Bhandari for the appellants.

Leave is granted.

Inspite of service of notice the respondents did not enter appearance. On 20.7.2001 when the case was taken up for hearing no one appeared on behalf of the respondents. We, therefore, adjourned the case and it is taken up today. Even today there is no appearance for the respondent.

This appeal is filed against the judgment and order dated 9.5.2001 of the High Court of Judicature at Allahabad. By the impugned order the High Court granted the interim relief which the first respondent could have obtained, if he ultimately succeeds in the writ petition. In our view, granting of such interim relief which will make the writ petition itself infructuous, will not be appropriate.

-2-

Coming to the facts of this case; the first respondent was allotted accommodation in hostel while he was working as a house surgeon. On his being found guilty of indiscipline for the alleged conduct of consuming liquor and coming late to the hostel, the allotment of accommodation in the hostel was cancelled. After he was admitted to Diploma in Child Health Course, he applied for accommodation in the hostel but the appellants declined to grant him hostel accommodation. The first respondent challenged that action in writ petition before the High Court. In the writ petition the impugned interim order was passed. On these facts the learned Single Judge made a settlement like order by making the first respondent given an apology and directed the authorities to provide accommodation to him in the hostel. We are informed that on allotting accommodation to him in the hostel. We are informed that on allotting accommodation to him, he again committed acts of indiscipline so the allotment was cancelled. In our view, it will be apt to leave such matters to the authority concerned unless there is complaint of mala fide, discrimination or violation of principles of natural justice. However, we note with concern the following observation of the

learned Judge:

.....L.....T.....T.....T.....T.....T.....T.....J....R

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"In my opinion Doctor's hostel cannot be allotted to administrative staff and if it is allotted on temporary basis the same should be got vacated for the doctors working in the hospital....other two rooms occupied by the administrative staff on temporary basis may be got vacated by the hospital for accommodating out station guests and one Doctor."

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.SP2

We direct the appellants to implement the same and forbear from repeating such action in future.

Since the impugned order of the learned Single Judge directing allotment of one room in the hostel to the first respondent, was already given effect to. We allow this appeal as indicated above. No costs.

.SP1

.....J
(Syed Shah Mohammed Quadri)

New Delhi,
August 10, 2001

.....J
(S.N. Phukan)