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SLP(C)No. 10126 OF 2001  
ITEM No.1

Court No.10

SECTION IVA  
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.10126/2001

(From the judgement and order dated 16/02/2001 in MCC 756/00  
of The HIGH COURT JUDICATURE OF M.P AT JABALPUR)

MADHYA PRADESH ELECTRICITY BOARD

Petitioner (s)

VERSUS

DEV NARAYAN PATEL

Respondent (s)

(With prayer for interim relief)

( With Appln(s). for directions and correction of order dt. 17.09.2003)

( For Final Disposal )

(ALONGWITH THE PAPER BOOKS OF SLP(C) NO. 7634/2000)

Date : 12/11/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE BRIJESH KUMAR

HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner (s)

Mr. Satish K. Agnihotri,Adv.

Mr. Anil K. Pandey,Adv.

Mr. Rohit Kumar Singh,Adv.

For Respondent (s)

Mr. Kishore Kumar Patel,Adv.

Mr. Satya Mitra Garg,Adv.

Ms. Pratibha Jain,Adv.

Mr. A.P. Dhamija,Adv.

UPON hearing counsel the Court made the following

O R D E R

An additional affidavit has been filed by the petitioner indicating therein that it has complied with the order passed by this Court. Orders have already been passed for payment of salary to Respondent No.1 equal to the leave salary for the period of September, 2001 till 17.1.2002 as per order dated 5.11.2003 and by means of order dated 7.11.2003 for the period from 18.1.2002 to 31.5.2003 on which

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date it is indicated the Respondent No.1 attained the age of superannuation, that is, 58 years. The learned counsel for the Respondent No.1 raises an objection about payment of salary equivalent to leave salary. The learned counsel for the petitioner submits that Respondent No.1 has not been working hence the amount has been calculated according to rules for leave salary.

It is further indicated that the matter is still pending before the Central Government and no decision has been taken yet as to the service of Respondent No.1 with Chhatisgarh State Electricity Board or it would be with Madhya Pradesh State Electricity Board. Considering all the facts and circumstances, we provide that Respondent No.1 may provisionally accept the salary as calculated for the period under the orders passed by the petitioner, dated 5.11.2003 and 7.11.2003. The learned counsel for the petitioner shall on the next date indicate the differences in the amount of salary otherwise and the leave salary appropriate orders as may be necessary, may be passed for that balance amount after the said information is provided by the petitioner. We feel that the Central Government will do well in taking the decision expeditiously so as to avoid hardship to Respondent No.1 and the confusion which is pending for long.

List after six weeks. The petitioner may in the meantime pursue the matter with the Central Government for expeditious decision in the matter.

(Sarojbala)  
PA to Addl.Registrar

(Kanwal Singh)  
Court Master