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SLP(C)No. 15012 OF 2000

ITEM No.45

Court No. 4

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.15012/2000
(From the judgement and order dated 03/04/2000 in SA 336/97
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

STATE OF U.P. & ANR.

Petitioner (s)

VERSUS

KRISHAN MADHO SHARMA & ORS.

Respondent (s)

(With prayer for interim relief)

Date : 05/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK
HON'BLE MR. JUSTICE U.C. BANERJEE
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s) Mr. A.B. Rohtagi, Sr. Adv.
Mr. R.B. Misra, Adv.
Mr. K. Misra, Adv.
Ms. Sangeeta Sharma, Adv.

For Respondent (s) Ms. Niranjana Singh, Adv.
Mr. Ashok K. Srivastava, Adv.

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

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

.SP2

Leave granted.
The appeal is allowed.

.SP1

(Y.P.Dhamija) (Suneet Bala Sharma)@@
AA
COURT MASTER COURT MASTER

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1043/2001@@

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(arising out of SLP(C) No. 15012/2000)@@

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State of U.P. & Anr. ...Appellants@@

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Vs.@@

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Krishan Madho Sharma & Ors. ...Respondents

O R D E R@@

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

Leave granted.

The State of U.P. is in appeal against the impugned direction of a learned Single Judge of Allahabad High Court which was re-affirmed by the Division Bench in dismissing the Appeal in limine without ascribing any reason.

It appears that the printing of cause list was being taken by the Bar Association in the High Court of Allahabad and the 21 respondents had been engaged therein by the Bar Association. However, after some time the job of printing of cause list was taken over by the High Court itself and necessarily therefore the services of those 21 employees of the Bar Association, who were engaged in the job of printing of daily list, became redundant and stood annulled. They therefore approached the High Court and learned Single Judge by order dated 11.3.1997 issued direction to the State Government on a conclusion that it is the obligation and duty of the State Government to take these respondents in employment of similar nature. Against this order the State Government went up in appeal and the appeal having been dismissed, the matter has been brought to this Court. On a

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bare perusal of the order of the learned Single Judge, it is crystal clear that the High Court had exceeded its jurisdiction in issuing the impugned direction inasmuch as there was no relationship of master and servant between the State Government and the respondents at any point of time, and therefore the question of considering them for appropriate appointment in the Government service does not arise. The High Court itself (Learned Single Judge) also came to the conclusion that the employees are not the Government employees but yet they are doing the work of High Court in the capacity as employee of the Bar Association. In the aforesaid premises, we set aside the impugned orders of the learned Single Judge as well as that of the Division Bench and the Writ Petition stands dismissed. The appeal is allowed.

.SP1

.....J.
(G.B. PATTANAIAK)

.....J.
(U.C. BANERJEE)

New Delhi,
February 05, 2001

.....J.
(S.N. VARIAVA)