

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(s).8654/2003

(From the judgement and order dated 20/02/2003 in CMWP No. 1599/2003 of
The HIGH COURT OF JUDICATURE AT ALLAHABAD)

U.P. RAJYA VIDYUT UTPADAN NIGAM LTD.&ANR

Petitioner(s)

VERSUS

RAM KUMAR PANDEY & ANR.

Respondent(s)

(With prayer for interim relief and office report)

(for final disposal)

Date: 04/04/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL

HON'BLE MR. JUSTICE C.K. THAKKER

For Petitioner(s) Mr. Pradeep Misra,Adv.

For Respondent(s) Mr. Bharat Sangal,Adv.

Ms.Sangeeta S.Panickar,Adv.

Mr.R.R.Kumar,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal is disposed of but without any order as to costs

(Usha Bhardwaj)

(Madhu Saxena)

P.S. To Registrar

COURT MASTER

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO..... OF 2005

(Arising out of SLP(Civil) No.8654 of 2003)

Uttar Pradesh Rajya Vidyut Utpadan Nigam .. Ap
pellant(s)
Ltd. & Anr.

Versus

Ram Kumar Pandey & Anr. .. Re
spondent(s)

O R D E R

Leave granted.

The High Court while deciding in favour of the workman, who had claimed the pay-

scale equal to the cadre of Noter and Drafter, followed the decision of this Court in

Civil Appeal No.618/85; Aminudin Ahmed vs. U.P. State Electricity Board and Anr.

dated 28th July, 1993 to hold that the Timekeepers were entitled to the same scale and

seniority in the cadre of Senior Noter and Drafter. The High Court has overlooked the

subsequent order passed by this Court on 5th May. 1995 on the Revision Petition filed

by the Board by which this Court said that the order dated 28th July, 1993 in

CA.No.618/85 Aminudin's case would not be available to other Timekeepers. In the

circumstances, the decision of the High Court merely relying upon the order of this

Court in CA.No.618/85 was wrong. However, this does not mean that the High Court

cannot come to the same conclusion independently.

The learned counsel appearing on behalf of the respondents states that

there is a subsequent order in

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CA.No.619/85 which was not the subject matter of the review and which supports the

respondents. Unfortunately, the High Court has not referred to CA.No.619/85 but to

C.A.No.618/85 to reject the appeal of the appellant.

The learned counsel for the respondents also states that the award was

otherwise correct. That may be so but we are of the view that the matter should be

considered finally by the High Court on merits independently of CA.No.618/85. The

decision of the High Court is accordingly set aside and the matter is remanded back to

the High Court for deciding the issues raised between the parties on merits afresh. The

High Court is requested to dispose of the matter, as expeditiously as possible since the

matter has been pending for some time, preferably within a period of four weeks from the date of the receipt of the order of this Court.

The appeal is, accordingly, disposed of but without any order as to costs.

MA PAL]

.....J [RU

K. THAKKER]

.....J [C.

NEW DELHI,

APRIL 04, 2005.