

SUPR EME COU R T OF I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 2377 OF 2007

DIST.ADMN.COM.U.P PRIM.AGR.COOP C.S.C.S.

Appellant (s)

VERSUS

THE COLLECTOR, MIRZAPUR, U.P., & ORS.

Respondent(s)

Date: 14/07/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU

HON'BLE MR. JUSTICE H.L. DATTU

For Appellant(s)

Mr. Dinesh Dwivedi, Sr. Adv.
Mr. Siddharth Sengar, Adv.
Mr. Prateek Dwivedi, Adv.
Mr. Abhindra Maheshwari, Adv.
Mr. Manish Srivastava, Adv.
Mr. Vishwajit Singh, Adv.

For Respondent(s)

Mr. Pradeep Misra, Adv. (NP)
Mrs.K. Sarada Devi, Adv.

UPON hearing counsel the Court made the following
ORDER

Heard learned counsel for the parties.

The appeal is disposed of and matter remanded to the
High Court for hearing Writ Petition No. 2331/2000 on merits in
terms of the signed order. No order as to costs.

(Ajay Kr. Jain)
Court Master

(Indu Satija)
Court Master

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2377 OF 2007

District Administrative Committee,
U.P. Primary Agricultural Co-op.
Credit Societies Centralized Service,
Mirzapur, U.P.

.... Appellant

Versus

The Collector, Mirzapur, U.P. & Ors.

.... Respondents

ORDER

Heard learned counsel for the parties.

We have carefully perused the impugned judgment of the High Court dated 29.09.2003 as well as the order dated 21.11.2003 on the recall application.

It appears that while allowing the Writ Petition No. 29032/2001 filed by the District Co-op. Bank Ltd., Mirzapur directions have been given in Writ Petition No. 2331/2000 filed by the appellant herein before the High Court.

While the High Court has held that the respondent No. 5 before it was not an employee of the District Co-op. Bank, it has gone on to give directions in W.P. No. 2331/2000 without deciding the controversy in that writ petition on merits. Accordingly, we set aside the observations made in the last paragraph of the impugned judgment to the following effect :-

"The respondents No. 2, 3 and 4 are directed to recover the amount under the citation from the petitioner with interest and pay the same to the workman respondent No. 5 within a month from the date of production of copy of this judgment."

and also the order dated 21.11.2003 on the recall application. We remand the matter to the High Court to decide Writ Petition No. 2331/2000 on merits. The appeal stands disposed of in the above terms. No order as to costs.

(MARKANDEY KATJU)

.....J.

(H.L. DATTU)

.....J.

NEW DELHI;
JULY 14, 2009