

ITEM No.31

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
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.14592/2000

(From the judgement and order dated 04/04/2000 in WP 1433/94
of The HIGH COURT OF ALLAHABAD AT LUCKNOW)

STATE OF U.P. & ORS.

Petitioner (s)

VERSUS

VED PAL SINGH

Respondent (s)

(With prayer for interim relief)

Date : 17/11/2000 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. BD Aggarwal, Sr. Adv.
Mr. Vivek Vishnoi, Adv.
Mr. R.C. Verma, Adv.

For Respondent (s) Mr. Rohit Minocha, Adv.

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

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

Leave is granted.
The appeal is allowed in terms of the signed order.
There shall be no order as to costs.

.SP1

[Naresh Kumar]
Court Master

[Kanwal Singh]
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. 6591 OF 2000@@

State of U.P. & Ors. ... Appellants

vs.

Ved Pal Singh ... Respondent

O R D E R@@
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.SP2

Leave is granted.

The State is in appeal against the order passed by the High Court in Writ Petition No.1433/1994 on April 4, 2000. Though this Court does not normally interfere with the interim orders passed by the High Courts, it is a fit case which warrants our interference on the peculiar facts of this case.

The respondent was dismissed from service on June 4, 1979. On a challenge against the said order before the U.P.Public Service Tribunal, the said order of dismissal from service was stayed. Eventually his petition came to be dismissed on January 15, 1994. The respondent assailed the validity of the said order of the Tribunal before the High Court in the aforementioned writ petition. No interim order was granted on the writ petition which was filed in March, 1994 and in our view rightly. After six years of filing of the writ petition the impugned interim order was passed on April 4, 2000 while listing the case to be heard in the month

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of August, 2000. We are unable to appreciate the urgency to pass interim order after about six years of issuing Rule Nisi, when the High Court was inclined to hear the matter on merits in August 2000. The circumstances of the case did not justify passing the impugned interim order at that stage. The consequence of the said order is that the respondent who was out of service from 1994, has to be reinstated pending disposal of writ petition which was to be heard in August 2000. This is neither just nor equitable nor is in consonance with the principles of granting interim orders. We therefore allow this appeal and set aside the impugned interim order. There shall be no order as to costs.

.SP1

.....J.
[SYED SHAH MOHAMMED QUADRI]

New Delhi,
November 17, 2000.@@
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.....J.
[S.N. PHUKAN]