



CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6996 OF 2013  
(Arising out of S.L.P. (C) No.18268 of 2010)

| Director, Central Council for Research in Indian | ..Appellant(s) |  
| Ayurvedic & Siddha & Anr. | |

Versus

| Uma Shankar Singh & Anr. | ..Respondent(s) |  
| | |

O R D E R

Leave granted.

This appeal is directed against order dated 17.12.2009 vide which the Division Bench of the Allahabad High Court disposed of the writ petition filed by respondent No.1 for grant of higher pay scale in terms of order dated 03.03.1992 passed by the Division Bench of Orissa High Court in Case No.1587 of 1988.

Although notice of the special leave petition out of which this appeal arises has been duly served upon respondent No.1, no one has appeared on his behalf.

We have heard Mr. Ayusha Kumar learned counsel appearing for appellants and perused the record.

In our opinion, the impugned order is liable to be set aside only on the ground that the High Court decided the writ petition of respondent No.1 without adverting to the factual matrix of the case and without considering the issues raised therein. It is also not clear from the order under challenge as

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to how the decision of the Orissa High Court has bearing on the case of respondent No.1. The High Court should have first decided the entitlement of respondent No.1 to get higher pay scale and then and then only a direction could be given for giving him such pay scale.

For the reasons stated above, the appeal is allowed, the impugned order is set aside and the matter is remitted to the High Court for afresh disposal of the writ petition filed by the respondent No.1.

.....J.  
[ G.S. SINGHVI ]

.....J.  
[ V. GOPALA GOWDA ]

NEW DELHI,  
AUGUST 19, 2013.