

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 5989 OF 2000

STATE OF U.P. & ANR.

Appellant (s)

VERSUS

M/S. SHAIL KAPOOR AND ORS.

Respondent(s)

Date: 30/03/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Appellant(s)

Mr. S.W.A. Qadri,Adv.

Mr. Manoj K. Mishra,Adv.

Mr. R.K. Dubey,Adv.

Mr. Kamendra Mishra,Adv.

For Respondent(s) Mr. Kavin Gulati,Adv.

Ms. Rashmi,Adv.

Mr. Harish J. Jhaveri,Adv.

UPON hearing counsel the Court made the following

O R D E R

hour.

Heard the learned counsel for the parties for about half an

The appeal is dismissed in terms of the signed order.

(A.S. BISHT)

(PUSHAP LATA BHARDWAJ)

COURT MASTER

COURT MASTER

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5989 OF 2000

STATE OF U.P. AND ANR.

... APPELLANT(S)

:VERSUS:

M/S. SHAIL KAPOOR AND ORS.

... RESPONDENT(S)

O R D E R

When this matter was called on, learned counsel appearing on behalf of the petitioner produced a copy of the circular letter dated 24.5.2004, wherein the following directions have been issued:

"2. As stated above, the salary of all the teachers of CT category working in Non-Government aided Higher Secondary Schools who have been merged in the LT Category, will be determined in general grade in accordance with the directions given under

Financial Rules Vol-II Part-2 to 4 of Original Rule-22 of the Rules determining the salary. These teachers will have a right to opt for the same under Rule 23 [1].

3. All the other conditions and prohibitions regarding the merger of teachers of CT Grade into LT Grade working in Non-Government Aided Higher Secondary Schools, mentioned in all the earlier Government Orders and Notification No.UO-83/15-7-97-3073/96 dated 18.12.1997 issued by the Education Division-7 will remain the same.

4. Above order is being issued in accordance with the approval granted in letter No. Non-Government No.UO-PC-2-496-10-2004, dated 22.05.2004 of Division-2 of the Finance [Pay Commission]."

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In this view of the matter, we are of the opinion that the

present appeal does not survive as against the respondents.

However, having regard to the statements made at the Bar by

Mr. Qadri, learned counsel appearing for the State, that several

writ petitions, involving similar question, are pending before

the Allahabad High Court, we may observe that the question of

law, if any, shall remain open. The appeal is dismissed with

the aforesaid observations.

.....J

( S.B. SINHA )

.....J

( P.P. NAOLEKAR )

NEW DELHI;

MARCH 30, 2006.