

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 75-76 OF 2015
(@ SLP (C) Nos.28526-28527/2013)

KAMTA PRASAD

APPELLANT(S)

VERSUS

KALYAN-DOMBIVIL MUNICIPAL CORPN. & ORS.

RESPONDENT(S)

O R D E R

Heard learned counsel for the parties.

Delay condoned.

Leave granted.

In these appeals various legal contentions have been raised, which need not be adverted to for the reason that this Court while issuing notice on 02.09.2013 held as under:

"Issue notice on the applications for condonation of delay as also on the main special leave petitions, returnable in six weeks. Dasti, in addition, is permitted.

It may be indicated in the notice that leave is likely to be granted and the order under challenge is likely to be set aside with a direction to the High Court to decide the writ petition on merits.

A copy of this order be served upon the respondents along with the notice."

It is evident from the impugned order that the writ petition was dismissed solely on the ground of limitation and merits of the case have not been examined with regard

to the legality and validity of the dismissal order passed against the appellant(s). Therefore, it would be just and proper for this Court to decide the case on merits keeping in view that the appellant(s)' services have been dismissed in contravention of the rules applicable to him under which his services are governed including the proportionality of the punishment imposed upon the appellant(s).

In the aforesaid view of the matter, we set aside the order impugned, allow the appeals and remit the matters to the High Court with a request to decide the case on merits as expeditiously as possible after affording sufficient opportunity to both the parties and also examine the legality and validity of the order of the dismissal including the proportionality of the dismissal order.

The appeals are allowed with the aforesaid observation.

.....J.
(V. GOPALA GOWDA)

.....J.
(R. BANUMATHI)

NEW DELHI,
JANUARY 07, 2015

ITEM NO.201

COURT NO.12

SECTION IX

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 (C) No(s).
28526-28527/2013

(Arising out of impugned final judgment and order dated 19/10/2010
in WP No. 2848/2007,28/06/2012 in RA No. 52/2010,28/06/2012 in WP
No. 2848/2007 passed by the High Court Of Bombay)

KAMTA PRASAD

Petitioner(s)

VERSUS

KALYAN-DOMBIVIL MUNICIPAL CORPN. & ORS.

Respondent(s)

(with appln. (s) for c/delay in filing SLP and c/delay in refiling
SLP)
(For final disposal)

Date : 07/01/2015 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE V. GOPALA GOWDA
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. Akhilesh Kr. Pandey, Adv.
Mr. Rajesh Prasad Singh, Adv.
Mr. K.D. Prasad, Adv.
Ms. S. Jain, Adv.
Ms. Aseem Mehrotra, Adv.
Mr. Vishal Prasad, Adv.

For Respondent(s) Mr. D. M. Nargolkar, Adv.
Mr. Viraj Kadam, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Delay condoned.

Leave granted.

The appeals are allowed in terms of the signed order.

(VINOD KR. JHA)
COURT MASTER

(RENU DIWAN)
COURT MASTER

(Signed order is placed on the file)