

C.A.No. 5680 OF 1998

ITEM No.114

Court No. 1

SECTION XI

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.5680 of 1998

Auto Tractors Administrative  
Employees Action CommitteeAppellant (s)

VERSUS

State of U.P. and Anr.Respondent (s)

(With office report)

Date : 12-11-2003 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE S.B. SINHA

For Appellant (s)Mr. S.B. Sanyal, Sr.Av.  
Mr. Rudreshwar Singh, Adv.  
Mr. Shishir Pinaki, Adv.  
Mr. R.P. Wadhvani,Adv.

For Respondent (s)Mr. Ashok K. Srivastava, Adv.  
Mr. Sandeep Singh, Adv.

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

The appeal is dismissed. No costs.

[ Alka Dudeja ] [ Janki Bhatia ]  
Court Master Court Master

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

CIVIL APPELLATE JURISDICTION

Civil Appeal No.5680 of 1998

Auto Tractors Administrative  
Employees Action CommitteeAppellant (s)

VERSUS

State of U.P. and Anr. Respondent (s)

O R D E R

The Appellant herein filed a petition under Article 226 of the Constitution of India before the Allahabad High Court for issuance of direction to the opposite party to implement the report of the Samta Samiti, to revise the pay scales of the members of the appellant and to pay the arrears from 1996 up to the date of closure. The High Court declined to entertain the petition and, consequently, the same was dismissed. It is against the said judgment, the appellant is in appeal before us.

Learned counsel appearing for the appellant urged that the view taken by the High Court is erroneous inasmuch as the appellant's right could not have been forfeited on account of the dismissal of the writ petition filed by other group of employees who had nothing in common with the appellant and, therefore, the view taken by the High Court is not correct. We do not find any substance in the argument. The High Court in this case has declined to exercise its discretionary jurisdiction keeping in view the fact that successive writ petitions were being filed under Article 226 of the Constitution and the reasons assigned by it in not entertaining the petition does not suffer from any infirmity warranting interference under Article 136 of the Constitution of India.

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The appeal is, accordingly, dismissed. No costs. However, it will be open to the appellant to resort to any other remedy which may be available to it under law.

.....CJI.

.....J.  
(S.B. Sinha)

New Delhi,  
November 12, 2003.

