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ITEM NO.15 COURT NO.11 SECTION XI

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

Petition(s) for Special Leave to Appeal (Civil)...../2013
CC 13975/2013

(From the judgement and order dated 31/01/2013 in CMWP No.816/1995, of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

SANJAY GANDHI POST GRAD.INSTT.MED.SCIEN. Petitioner(s)

VERSUS

D.P TRIPATHI & ANR. Respondent(s)

(With appln(s) for c/delay in filing SLP)

Date: 30/08/2013 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE H.L. GOKHALE
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr. Kavin Gulati,Sr.Adv.
Ms. Rashmi Singh,Adv.
Mr. Anupam Mishra,Adv.
Mr. T. Mahipal,Adv.

For Respondent(s) Mr. Nagendra Rai,Sr.Adv.
Mr. Shantanu Krishna,Adv.
Mr. Garvesh Kabra,Adv.

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

Delay condoned.

Heard Mr. Kavin Gulati, learned senior counsel in support of this petition and Mr. Nagendra Rai, learned senior counsel on behalf of the respondents.

2. Inasmuch as the order of the High Court does not give any reasons as to why the petition filed by the respondents was being entertained, we are of the

view that it will be better that the petitioner-institution gives the hearing to the first respondent with respect to the pay that ought to be allotted to him, and also on the issue as to whether from 1991 onwards he was entitled to the higher pay which he was otherwise claiming. We record the statement of Mr. Gulati that in the event after hearing the respondent No.1 if the respondent No.1 fails to persuade the authorities that he is entitled to the higher pay from 1991, still the petitioner will not recover the excess payment, if any. However, he reserves the right to adjust the excess payment appropriately. It will be open to the respondents to take appropriate steps in the event the decision is against the petitioner.

3. With these observations, the special leave petition is disposed of.

[SUMAN WADHWA] [SNEH LATA SHARMA]

AR-cum-PS COURT MASTER