

\200

C.A.No. 19 OF 1998

ITEM No.106

Court No.10

SECTION XVI

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. 19/1998

State of West Bengal & Ors. Appellant (s)

vs.

Bijan Kumar Kar Respondent (s)  
(With office report)

Date:26/2/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE BRIJESH KUMAR

HON'BLE MR. JUSTICE ARUN KUMAR

For Appellant (s)

Mr. Avijit Bhattacharjee,Adv.

For Respondent (s)

Mr. Bijan Kumar Ghosh,Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeal is dismissed in terms of the signed order.

(Sarojbala)(Suraj Prakash)

PA to Addl.Registrar

Court Master

(The signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.19 OF 1998

State of West Bengal & Ors. Appellant(s)

Vs.

Bijan Kumar Kar Respondent(s)

O R D E R

The dispute in this appeal pertains to fixation of pay. While admitting the appeal this Court passed the following order on 5.1.1998 :

"Special leave granted.

It is made clear that, whatever be the result of this appeal, the present respondent shall get all the benefits to which he is entitled by reason of the order under appeal."

In view of the above noted order we find that the scrutiny of the impugned order on merits would be a futile exercise. The appellant, in pursuance of the order quoted above, shall pay the amount of salary as per the decision of the High Court. The appellant would not be entitled to change the emoluments as payable under the judgment of the High Court

...2/-

: 2 :

which is regarding fixation of salary and emoluments to be paid to the respondent. We, the refore, dismissed the appeal but clarify that the question of law, if any, involved shall rem ain open to be considered in any appropriate case.

.....J.  
(BRIJESH KUMAR)

.....J.  
(ARUN KUMAR)

NEW DELHI  
FEBRUARY 26, 2004.