

z) ITEM NO.101

COURT NO.6

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(s). 7490 OF 2004

STATE OF U.P. & ANR.

Appellant (s)

VERSUS

ARVIND NATH & ORS.

Respondent(s)

(With office report)

Date: 10/03/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE A.K. PATNAIK

For Appellant(s) Mr. S.R.Singh, Sr. Adv.
Mr. Manoj K.Dwivedi, Adv.
Ms.Vandana Mishra, Adv.for
Mr. Kamlendra Mishra,Adv.

For Respondent(s) Mr. Chandra Shekhar, Adv.
Mr. Saurabh Upadhyay, Adv.
Mr.Sanjay Kr. Tyagi, Adv.
Mr.M.D.Sharma, Adv.for
Mr. S.K. Verma,Adv.

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

The Appeal is allowed in terms of the signed order.
No costs.

(Parveen Kr. Chawla)
Court Master

(Indu Satiya)
Court Master

[Signed Order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7490 OF 2004

State of U.P. & Another

..Appellants

versus

Arvind Nath & Others

..Respondents

O R D E R

This Appeal has been filed against the impugned judgment of the Allahabad High Court, Lucknow Bench, Lucknow dated 09th September, 2004 passed in Writ Petition No. 1309 of 2003.

The facts in detail have been set out in the impugned judgment and hence we are not repeating the same here except wherever necessary.

Heard learned counsel for the parties.

Respondent was appointed as a Managing Director, U.P.Jal Nigam by order of the State Government dated 11th July, 2002. The said order states that the appointment of the respondent as the Managing Director of the Uttar Pradesh Jal Nigam shall unless determined otherwise by an order issued under Section 6(3) of the Uttar Pradesh Water Supply and Sewerage Act, 1975 (for short 'the Act') last for the period until the date of his retirement from service on his attaining the age of superannuation.

Subsequently, an order dated 26th July, 2002 was
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passed by the State Government under Section 6(3) of the Act to the effect that the Managing Director of the U.P.Jal Nigam shall hold the post for a tenure of three years unless his tenure is determined earlier by the State Government by a notification published in the Gazette.

Thereafter, the State Government passed orders dated 29th September, 2003, by which the order of the State Government dated 26th July, 2002 was cancelled and consequently the respondent was relieved from the post of Managing Director, U.P.Jal Nigam with immediate effect.

Section 6(3) of the Act reads as under:

"6.(3) The members appointed under clause (a) and clause (b) of sub-section (2) of Section 4 shall hold office on such terms and conditions as the State Government may, by order specify."

It may be noted that Section 6(3) of the Act, quoted above, states that the Managing Director shall hold office on such terms and conditions as the State Government may, by order specify. Hence, the Act does not fix the tenure of the Managing Director but states that that will be decided by the State Government. The State Government by orders dated 29th September, 2003 cancelled the order dated 26th July, 2002 and relieved the respondent as Managing Director of the U.P.Jal Nigam. In our opinion, this was entirely within the powers of the State Government under Section 6(3) of the Act.

Consequently, this appeal is allowed and the
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impugned judgment of the High Court is set aside. No costs.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
MARCH 10, 2010

.....J.
[A.K. PATNAIK]