

ITEM NO.51

COURT NO.10

SECTION X

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil)...../2008
CC 11276/2008

(From the judgement and order dated 04/08/2008 in WP No. 34/2008(S/B)
of The HIGH COURT OF UTTARAKHAND AT NAINITAL)

SHARAD KUMAR & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for permission to file SLP, permission to file additional documents,
exemption from filing O.T., ex-Parte stay and impleadment)

WITH SLP(C) NO. 20004 of 2008

(With appln.(s) for permission to place addl. documents on record, exemption from
filing O.T., seeking permission to being addl. facts and prayer for interim relief and
office report)

SLP(C) NO. 21156 of 2008

(With appln.(s) for exemption from filing O.T., prayer for interim relief and office
report)

Date: 29/08/2008 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Petitioner(s) Mr. Harish N. Salve, Sr.Adv.
Mr. R.F. Nariman, Sr.Adv.
Mr. Kavin Gulati, Adv.
Mr. Rajeev Duney, Adv.
Mr. Shekhar Kumar, Adv.

Mr. Ashok H. Desai, Sr.Adv.
Mr. Vikram Mehta, Adv.
Mr. Nar Hari Singh, Adv.
Mr. Praveen Pahuja, Adv.
Mrs. Upasana Pahuja, Adv.
Mr. Vikas Mehta, Adv.

Mr. A.S. Rawat, Adv.
Mr. Dinesh Bisht, Adv.

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Mr. Rajeev Kumar Bansal, Adv.

For Respondent(s) Mr. Dinesh Dwivedi, Sr.Adv.
Mr. P.N. Gupta, Adv.

:2:

Mr. P.P. Rao, Sr.Adv.
Mr. A.K. Srivastava, Sr.Adv.
Mr. Arun Jaitley, Sr.Adv.
Mr. M.C. Pant, Adv.
Mr. Puneet Agarwal, Adv.
Dr. Kailash Chand, Adv.

UPON hearing counsel the Court made the following
ORDER

We are informed that the final allocation order dated 31.07.2008 issued by the Central Government has already been challenged by seeking amendment of the pending writ petitions in the High Court of Uttarakhand. It is stated that some substantive writ petitions have also been filed challenging the said order. The interim order dated 04.08.2008 does not take into account the challenge to the notification dated 31.07.2008. The High Court will have to re-examine the matter with reference to the grounds of challenge in regard to the final allocation order dated 31.07.2008. We, therefore, request the High Court to consider the interim prayer in the light of the grounds of challenge to the order dated 31.07.2008 and pass appropriate orders preferably within four weeks.

On 12.08.2008 we had clearly directed not to relieve the petitioners till 25th August, 2008. Thereafter, the interim order was extended till today. The interim order is clear and prospective in operation. It means that the petitioners should not be relieved after

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that order. If any petitioner had been relieved before the said interim order dated 12.08.2008 was passed, the question of revoking such relieving order or taking back and continuing the relieved official does not arise. Subject to the clarification, we direct status quo should be maintained.

List after six weeks.

(PAWAN KUMAR)
COURT MASTER

(ANAND SINGH)
COURT MASTER