

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)...../2010
CC 11971/2010

(From the judgement and order dated 24/08/2009 in
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

CMWP No. 20739/2007

STATE OF U.P.& ORS.

Petitioner(s)

VERSUS

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

Respondent(s)

Date: 11/08/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Mr. Shail Kumar Dwivedi, AAG
 Ms. Vandana Mishra, Adv.
 Ms. Niranjana Singh, Adv.

For Respondent(s) Ms. Rashmi Tripathi, Adv.
 Ms. Tulika Prakash, Adv.

UPON hearing counsel the Court made the following

O R D E R

On behalf of the State of Uttar Pradesh, the petitioner herein, it has been submitted by Mr. Dwivedi, learned counsel, that the impugned order has already been given effect to, but despite the same, contempt proceedings have been initiated by the respondent before the High Court. From the order dated 24th August, 2009, being challenged in the Special Leave Petition, it appears that a direction was given to the respondent to consider the case of the respondent for regularization as and when regular posts were available. It has been submitted that the petitioner's services have already been regularized and, accordingly, there case be no question of any contempt having been committed by the petitioner.

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On behalf of the respondent, it has been submitted that though the services of the respondent has been regularized, he has not been regularized from the date from which he was entitled to such regularization.

In our view, the submissions made on behalf of the respondent do not make out a case for contempt, though prima facie makes out a case for consideration by the High Court as to whether the respondent was entitled to be regularized on earlier date within the date on which he has been regularized.

Accordingly, we dispose of the Special Leave Petition by directing the High Court to consider the case of the respondent for regularization from 1990, in the contempt proceedings itself, without going into the question of contempt having been committed by the petitioner herein.

We make it clear that the parties will be

entitled to make submissions on this point before the High Court before the question is decided.

(Ganga Thakur)
PS to Registrar

(Juginder Kaur)
Court Master