

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

BEFORE THE REGISTRAR S.G. SHAH

Petition(s) for Special Leave to Appeal (Civil) No(s).26957-26958/2010

RAM LALI MISHRA

Petitioner(s)

VERSUS

STATE OF U.P.& ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 25/09/2012 These Petitions were called on for hearing today.

For Petitioner(s)

Mr. S.R. Setia, Adv.

For Respondent(s)

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

Courts order dated 15.11.2010 confirms that there is interim stay in favour of the petitioner and thereby recovery of amount has been stayed by this order. Being service dispute, petitioner is aware about such fact and respondents are none but his employer. So it would be very easy for the petitioner to confirm service upon its office from whom he is getting salary. If when we peruse the order dated 5.1.2011, it seems that an attempt was made by the petitioner to say that there is no need to issue notices. Whenever stay is there, practically even for issuance of stay order to concerned authority, petitioner has to pay process fee within seven days, which is not done. Nobody was present for the petitioner on 27.9.2011 when four weeks' time was granted to confirm service. Nobody was present for

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the petitioner even on 1.12.2011 when it was stated that in view of non-compliance of earlier order, matter be listed for non-prosecution before the Hon'ble Judge in Chambers.

Thereafter matter was listed before the Hon'ble Judge in Chambers only on 30.7.2012 and surprisingly just before four days of such listing i.e., on 26.7.2012, petitioner has paid process fee. Therefore, Hon'ble Chamber Judge has condoned such day in filing process fee and spare copies with a specific direction that let notice be issued to respondent Nos. 1 to 3. Now after further two months, we have to wait for outcome of notices which can be easily served by the petitioner in his department by dasti mode. We cannot ignore that interim stay is in favour of the petitioner since 15.11.2010 i.e., since last almost two years and notices could not be served for last two years. In view of the above fact, let there be fresh notice with dasti service which is permitted to be served through the nearest Civil Court/Trial Court/standing counsel. Petitioner has to pay additional process fee and spare copies before 8.10.2012. If not paid, list before the Hon'ble Judge in Chambers for non-prosecution.

If done, issue notice and list again on 19.11.2012.

Registry has to clarify that why the matter was not listed before any Court till 27.9.2011 after 5.1.2011.

| (S.G. SHAH)
| REGISTRAR |

hj