

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).2404/2006

(From the judgement and order dated 17/09/2003 in WP No. 296/2002 of The  
HIGH COURT OF UTTARANCHAL AT NAINITAL)

SETTLEMENT OFFICER CONSOLIDATION,NAINITAL

Petitioner(s)

VERSUS

VIRENDRA KUMAR TEWARI & ORS.

Respondent(s)

(With appln.(s) for c/delay in filing SLP and exemption from filing O.T. and  
exemption from filing C/C of the impugned order and with prayer for interim relief  
and office report)  
(For final disposal)

WITH SLP(C) NO. 2406 of 2006

(With appln.(S) for c/delay in filing SLP and exemption from filing O.T. and  
exemption from filing c/c of the impugned order and office report)  
(For final disposal)

SLP(C) NO. 2412 of 2006

(With appn.(s) for c/delay in filing SLP and exemption from filing O.T. and  
exemption from filing c/c of the impugned order and office report) (For final  
disposal)

Date: 04/04/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Petitioner(s)

Mr. Jatinder Kumar Bhatia,Adv.

For Respondent(s) Mr. G.Venkateswara Rao, Adv.

Mr. Gunnam Venkateswara Rao,Adv.

Mr. Ashwani Garg, Adv.

Mr. Vijay Kumar ,Adv

Mr. Kamlendra Mishra

UPON hearing counsel the Court made the following  
ORDER

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Delay condoned.

Leave granted.

The appeals are allowed in terms of the signed order.

No costs.

(Asha Kukrety)  
Sr.P.A.

(Pushap Lata Bhardwaj)  
Court Master

(The signed order is placed on the file)

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CIVIL APPELLATE JURISDICTION

CIVIL APEAL NO. 2566 OF 2008  
(ARISING OUT OF SLP (C) NO. 2404/06)

SETTLEMENT OFFICER CONSOLIDATION, NAINITAL

Appellant (s)

VERSUS

VIRENDRA KUMAR TEWARI & ORS.

Respondent (s)

WITH

CIVIL APPEAL NOS. 2567 & 2568 OF 2008  
ARISING OUT OF SLP (C) NOS. 2412 & 2406 OF 2006

ORDER

Delay condoned.  
Leave granted.

Having heard learned counsel for the parties, we are of the opinion that in order to do complete justice between the parties, the impugned judgments may be set aside and the High Court may be requested to hear out the writ petition on merits.

This order is being passed as it is stated that the appellant had no notice about the matter. We are not oblivious of the fact that the respondents herein have been fighting out the litigation for a long time but in the event they succeed, the High Court may pass appropriate orders adjusting equities between the parties. Even by reason of the impugned judgment the respondents have been deprived of payment of

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their salaries during which they were not in service. We are, therefore, of the opinion that interest of justice would be subserved if the appellant herein is directed to file its additional affidavit within three weeks and response thereto by the respondents herein be filed within two weeks thereafter. The High Court may take up the matter for hearing as expeditiously as possible and preferably within a period of eight weeks.

The appeals are allowed. No costs.

.....J  
(S.B. SINHA)

.....J  
(LOKESHWAR SINGH

PANTA)  
NEW DELHI  
APRIL 04,2008