ITEM NO.42 COURT NO.14 SECTION XI

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) No(s).1849-1850/2009

(From the judgement and order dated 30/07/2004 in CMCP No. 1239/1999 & SA No. 1307/2004 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

ASHOK KUMAR YADAV & ANR. Petitioner(s)

VERSUS

PRADEEP SHUKLA & ORS. Respondent(s)

(With Appln(s) for c/delay in filing SLP,c/delay in re-filing SLP and with prayer for interim relief and office report)

Date: 06/12/2010 These Petitions were called on for hearing today.

CORAM :
HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s) Mr. D.K. Singh, Adv.
Mr. Abhishek Atrey,Adv.

For Respondent(s) Mr.Mohd.Irshad Hanif,Adv.

Mr. Shrish Kumar Misra ,Adv
Mr. Ajay Kumar Singh, adv.

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

It is pointed out by the counsel appearing for the petitioners that although in respect of the case of Ramji Tewari, Special Appeal has been filed and is pending for consideration in the Allahabad High Court, no appeal is filed by

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the State as against the orders passed in the case of A.K.Tripathi and others. It is, therefore, contended that alleging violation of the orders passed by the Allahabad High Court on 6.3.1997, contempt proceedings were initiated and an order was obtained under the Contempt of Courts Act.

At this stage, counsel appearing for the State has drawn our attention to the order dated 6.3.1997 wherein a direction has been given by the Allahabad High Court directing the State Government to pay salary to A.K.Tripathi & Ors. according to the judgment of Ramji Tewari's case. It is contended by him that in view of the said order and the fact that the appeal of Ramji Tewari is pending, the contempt proceedings initiated in the present case is also required to be stayed.

We prima facie cannot agree with the aforesaid contention for the reasons that an absence of an appeal in the case of A.K.Tripathi and others, contempt proceedings could be initiated

against the Government. At this stage, counsel appearing for the State seeks for eight weeks time for doing the needful in the matter, which is granted.

Re-notify after eight weeks.

(KUSUM SYAL)
SR. P.A.

(RENU DIWAN)
COURT MASTER