

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). \_\_\_\_\_ OF 2011  
(arising out of SLP(C)No.261/2011)

K.P. BALACHANDRAN

...Appellant(s)

VERSUS

STATE OF KERALA AND OTHERS

...Respondent(s)

O R D E R

Leave granted.

This is an appeal for setting aside order of the Division Bench of the Kerala High Court whereby the writ appeal preferred by the respondents against the order of the learned Single Judge was allowed and the direction given for grant of benefit of G.O. dated 16.3.1987 to the appellant was set aside.

We have heard Dr. S. Gopakumaran Nair, learned senior counsel for the appellant and Ms. Bina Madhavan, learned counsel for the State of Kerala and carefully perused the record.

Learned counsel for the State invited our attention to the counter affidavit filed before this Court and argued that the conclusion recorded by the Division Bench of the High Court that the appellant has not been subject to discrimination is correct. However, she fairly conceded that the G.Os. and the rules referred to in the counter affidavit were not placed before the High Court.

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In our view, the respondent should have placed the relevant G.Os. and rules before the Division Bench of the High Court so as to enable it to render a comprehensive judgment on the issue of discrimination.

In the premise aforesaid, the appeal is allowed, the impugned order is set aside and the matter is remitted to the High Court for fresh disposal of the appeal filed by the



Court Master  
(Signed Order is placed on the file)

Court Master