

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

CIVIL APPEAL NO(s). 7494 OF 2009

AMIYA KUMAR GIRI & ORS.

Appellant (s)

VERSUS

PRADYUMNA KUMAR PURI & ORS. Respondent(s)
(With prayer for interim relief and office report)
I.A. No. 1-Appln. for intervention)

WITH

Civil Appeal NO. 7495 of 2009
(With prayer for interim relief and office report)
I.A. No.1-Appln. for intervention)

Date: 13/08/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE H.L. DATTU

For Appellant(s) Mr. Janaranjan Das, Adv.
Mr. Swetaketu Mishra, Adv.
Mr. P.P. Nayak, Adv.

For Respondent(s) Mr. Rutwik Panda, Adv.
Mr. V.K. Monga, Adv.

For State Mr. Sibho Sankar Mishra, Adv (NP)
Mr. Manoj Kumar Das, Adv.
Mr. Nikilesh Ramachandran, Adv.

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

From the record we find that when the matter came up for consideration on 9th November, 2009, while granting leave, it was directed that further promotions, if any, shall abide by the final result in ..2/-

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the present appeals. The respondents were directed to file reply to the applications for interim relief within four weeks thereof.

On 23rd January, 2010, a letter was circulated on behalf of the State seeking further four weeks' time to file counter affidavit and reply to the stay applications. The prayer made in the said letter was acceded to and vide order dated 25th January, 2010 further four weeks' time was granted to the State to file reply to the applications seeking interim relief. Again, on 19th April, 2010, a letter was circulated by the State seeking further time to file counter affidavit. In the interest of justice one more opportunity was granted to the State to do the needful subject to their depositing an amount of Rs. 5,000/- with the SCLSC. As noted above, the State has neither filed counter affidavit nor reply to the applications.

Above all, today even counsel for the State is not present in Court and it is stated before us that Mr. Suresh Chandra Tripathy, who is representing the State, is down with fever.

Learned counsel appearing for the appellants has brought to our notice that on the one hand the State is not filing its response before this Court and on the other, after the ad-interim order dated on 9th November, 2009, the State has, vide Notification dated 24th April, 2010 promoted about 15 persons.

To say the least, we are dismayed at the conduct of the State. As noted above, till 19th April, 2010,

..3/-

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the State has been seeking time to file counter affidavit as well as reply to the applications and in the meantime has been surreptitiously processing the case for promotions in terms of Tribunal's order, which has been put in issue in the present appeals.

Under the circumstances, we are constrained to stay Notification dated 24th April, 2010, with liberty to the State to apply for vacation/modification of this order.

The prayers for interim relief stand disposed of.

List the applications for intervention along with the appeals.

[Charanjeet Kaur]
Court Master

[Kusum Gulati]
Court Master