

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO.3470 OF 2009
(arising out of SPECIAL LEAVE PETITION (C) NO.1125 OF 2008)

ISLAM MONDAL & ORS.APPELLANTS
VERSUS
STATE OF WEST BENGAL & ORS.RESPONDENTS

ORDER

Delay condoned.

Leave granted.

The matter was heard by us on the interlocutory application seeking interim direction by the State of West Bengal, respondent and also on merits of the appeal.

So far as appeal is concerned, we find that the order impugned in this appeal is non-descriptive and passed without application of mind. The impugned order is, therefore, set aside and the writ petition is resotred to its original number, which was moved by the petitioners against the order of the Administrative Tribunal passed in an original application being OA-4130/1998. High Court is requested to dispose of the writ petition afresh at an early date without granting unnecessary adjournment to either of the parties.

contd....2/-

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So far as interim application being I.A. No.2 of 2009 is concerned, after hearing learned counsel for the parties, we are of the view that without going into the merits and without affecting the rights of the appellants, it would be open for the State of West Bengal to fill up 61 posts keeping six posts vacant till the disposal of the aforesaid writ petition by the High Court.

The interlocutory application and the appeal is accordingly disposed of with no order as to costs.

NEW DELHI,
MAY 4, 2009.

.....J.
(TARUN CHATTERJEE)

.....J.
(H.L. DATTU)

JUDGMENT