

Vivek Kumar Singh vs Udai Raj on 22 August, 2022

Bench: Sanjay Kishan Kaul, Pamidighantam Sri Narasimha

1

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5775 /2022

[@ SLP [C] NO.9427/2022]

VIVEK KUMAR SINGH

Appellant

VERSUS

UDAI RAJ

Respondent

O R D E R

Leave granted.

Learned counsel seeks to draw a distinction between a daily rated employee and a seasonal agricultural mazdoor (the original petitioner) by contending that the first one is an appointment against the sanctioned post while the latter is not. His further submission is that the directions of the High Court were only to decide the representation and the decision of the representation is predicated on the aforesaid decision.

On hearing learned counsel for parties, we are of the view that if the original petitioner is aggrieved by such a decision, appropriate course would be to assail the same in accordance with law and this cannot form the subject matter of contempt proceeding which has resulted in the impugned order dated 06.04.2022 framing charges. We thus, set aside the impugned order and dismiss the contempt petition(s) filed by the original petitioner giving liberty to the original petitioner to assail the order passed by the appellant before us in accordance with law.

The appeal stands accordingly allowed.

.....J. [SANJAY KISHAN KAUL]J.
[PAMIDIGHANTAM SRI NARASIMHA] NEW DELHI, AUGUST 22, 2022.

ITEM NO.4

COURT NO.4

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 (C) No(s). 9427/2022

(Arising out of impugned final judgment and order dated 06-04-2022 in CAC No. 1967/2018 in Writ Petition No.5140(s/S) of 2013 passed by the High Court Of Judicature At Allahabad, Lucknow Bench) VIVEK KUMAR SINGH Petitioner(s) VERSUS UDAI RAJ Respondent(s) (FOR ADMISSION and I.R.) Date : 22-08-2022 This petition was called on for hearing today. CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL HON'BLE MR. JUSTICE
PAMIDIGHANTAM SRI NARASIMHA For Petitioner(s) Mr. Aman Sinha, Sr. Adv.

Mr. Garvesh Kabra, AOR Mr. Pravesh Thakur, Adv.

Ms. Ishita Sinha, Adv.

For Respondent(s) Ms. Pushpila Bisht, Adv.

Mr. Aditya Sidhra, Adv.

Ms. Prachi Pratap, Adv.

Ms. Pallavi Pratap, AOR UPON hearing the counsel the Court made the following O R
D E R Leave granted.

The appeal is allowed in terms of the signed order.

Pending application, if any, stands disposed of.

(ASHA SUNDRIYAL) (POONAM VAID) ASTT. REGISTRAR-cum-PS COURT
MASTER (NSH) [Signed order is placed on the file]