

Uttar Pradesh State Industrial ... vs Arun Kumar Mishra And Ors on 7 March, 2017

Equivalent citations: AIRONLINE 2017 SC 210

Bench: R. Banumathi, Kurian Joseph

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3831 OF 2017
[ARISING FROM SPECIAL LEAVE PETITION (C) NO.1773 OF 2017]

UTTAR PRADESH STATE INDUSTRIAL DEVELOPMENT
CORPORATION LIMITED AND ORS. APPELLANT(S)

VERSUS

ARUN KUMAR MISHRA AND ORS. RESPONDENT(S)

WITH
CIVIL APPEAL NO. 3832 OF 2017
[ARISING FROM SPECIAL LEAVE PETITION (C) NO.2941 OF 2017]
&
CIVIL APPEAL NO.3833 OF 2017
[ARISING FROM SPECIAL LEAVE PETITION (C) NO.37981 OF 2016]

J U D G M E N T

KURIAN, J.

Leave granted.

2. The appellants are before us, aggrieved by the interim order passed by the High Court dated 19.12.2016 passed in Writ Petition No.28986 of 2016.

3. As we propose to remit the matter to the writ court for final disposal, it is not proper or necessary to discuss the merits of the matter. Suffice to note that this Court after hearing the arguments extensively, on 21.02.2017, passed the following order:-

“It is not in dispute that Mr. A.K. Mishra, the petitioner in SLP(C) No.37981 of 2016, is in charge only in respect of nine revenue divisions as of now. As far as the remaining nine revenue divisions are concerned, without prejudice to the contentions

available to either side, for the time being, the duties assigned to the 8th Respondent may be discharged either by the Managing Director or by the Joint Managing Director, until further orders.

List on 01.03.2017 for further hearing.”

4. The said order will stand substituted in the place of interim order passed by the High Court.
5. We request the High Court to dispose of the writ petition expeditiously and preferably within a period of three months from the date of receipt of a copy of this judgment.
6. Needless to say that the High Court will dispose of the writ petition untrammelled by any of the observations or findings rendered by the High Court in the interim order. All contentions of the parties are left open, including the contention on maintainability of the writ petition, in view of the order passed by this Court in C.A. No.11151/2016 on 23.11.2016. Till the writ petition is disposed of, the interim order passed by this Court will continue to operate.
7. We also make it clear that we have not considered the merits of the matter and it is entirely for the High Court to dispose of the writ petition on its own merits.
8. The appeals are disposed of, as above.
9. Pending application(s), if any, shall stand disposed of.
10. There shall be no orders as to costs.

.....J. [KURIAN JOSEPH]J. [R. BANUMATHI] NEW DELHI;

MARCH 07, 2017.