

SUPREME COURT OF INDIA

State of U.P.

Vs.

Sunanda Prasad

C.A.No.3675 of 1999

(G.B.Pattanaik and U.C.Banerjee JJ.)

13.07.1999

ORDER

1. Leave granted.

2. Heard learned Counsel for the parties.

3. Though ordinarily this Court does not interfere with an interim order passed by the High Court, but in the case in hand the High Court having entertained a writ petition while the grievance of the respondents is still pending before the Central Administrative Tribunal and having passed an interim order annulling the order of the Tribunal, we think it appropriate to interfere with the impugned order of the High Court.

4. We have no doubt in our mind that the High Court exceeded its jurisdiction in entertaining a writ application when the legality of the order; of transfer is a subject-matter of a pending proceeding before the Central Administrative Tribunal and the Tribunal has passed an order of status quo. If the appellant authority has violated any interim direction of the Tribunal, the appropriate remedy is to file an application for contempt and we are told that such application has been filed, which is pending before the Tribunal. The Tribunal has also fixed up the hearing of the matter on 16-7-1999.

5. In the aforesaid circumstances, the impugned order of the High Court stands quashed. The writ petition is also dismissed. The Tribunal is requested to dispose of the matter on the date on which the matter has already been fixed for hearing.

6. The appeal is disposed of accordingly.