

(Supreme Court Of India)

Kendriya Vidyalaya Sangathan

v.

Bhagwan Lal & Others

(B.P. Singh and S.H. Kapadia,JJ.,)

C. A. No. 5468 of 2005 | 02-09-2005

1. Delay condoned.

2. Special leave granted.

3. We have heard Counsel for the parties.

4. The respondent-Bhagwan Lal was removed from service on account of his unauthorised absence for 51 days. Thereafter, he moved the Central Administrative Tribunal for relief, but his application was rejected. He thereafter preferred a writ petition before the High Court. In the writ petition, an interim order has been passed on 6.2.2004 whereby the High Court has stayed the order of the Central Administrative Tribunal and directed that the respondent shall be allowed to continue in service till further orders of the Court subject to his tendering an apology. We fail to understand how such an interim order could be passed, which in effect grants the relief which is the final relief that may be granted in the writ petition, if the writ petition ultimately succeeds.

5. We therefore, set aside the impugned order of the High Court. The appeal is allowed.

6. No order as to costs.