

SUPREME COURT OF INDIA

Farrukhabad Gramin Bank

Vs

Ashok Saxena and Others

Appeal (Civil) 3640 of 2006

(Dr. Ar. Lakshmanan and Tarun Chatterjee, JJ)

24.08.2006

JUDGMENT

DR. AR. LAKSHMANAN, J.

Leave granted in both the special leave petitions.

Heard learned Senior Counsel appearing on either side.

CIVIL APPEAL NO.3640 OF 2006(@ SLP(C)NO.11783 of 2003)

The above appeal is directed against the final judgment and order dated 19.12.2002 passed by the learned Single Judge of the High Court of Judicature at Allahabad in Civil Misc. Writ Petition no.367 of 1991. The said writ petition was filed by Ashok Saxena and two others against Farrukhabad Gramin Bank and five others, By the said order, the learned Single Judge directed the Bank to promote the writ petitioners on the post of Field Supervisor with the benefit of seniority. The Bank was also directed to promote the writ petitioners on the post of Field Supervisor within two weeks of the receipt of the certified copy of the order. Aggrieved against the said decision, the Bank straightway filed the above special leave petition in this Court. When the matter was taken up today for final hearing, Mr. Mahendra Anand, learned Senior Counsel appearing for the respondents, raised a preliminary objection stating that the Bank, instead of preferring a special

appeal before the Division Bench of the High Court, filed the special leave petition in this Court straightway. In our opinion, there is merit and substance in the preliminary objection. We, therefore, permit the appellant-Bank to approach the Division Bench of the High Court and prefer a special appeal against order dated 19.12.2002 passed by the learned Single Judge of the High Court in Civil Misc. Writ Petition no.367 of 1991. Since the matter has been pending before this Court, the time taken by the appellant-Bank in filing this appeal shall have to be excluded. We, therefore, direct the Registry of the High Court to accept the Special Appeal and place the same before the Division Bench of the High Court after obtaining appropriate orders from the Hon'ble Chief Justice of the High Court.

CIVIL APPEAL NO.3642 OF 2006 (@ SLP(C)NO.1370 of 2006)

The said appeal was filed against the final judgment and order dated 24.11.2005 passed by the High Court of Judicature at Allahabad in Civil Misc. Writ Petition No.72235 of 2005. By the said order, the Division Bench of the High Court disposed of the writ petition with a direction to the respondent therein i.e. the appellant herein to promote the writ petitioners on the post of Field Supervisor and re-designated as Officer Junior Manager-I in compliance of the judgment of the said High Court dated 19.12.2002 and thereafter hold any selection on the post of Field Supervisor or any equivalent post which shall be subject to the decision of the Apex Court in special leave Petition no.11783/2003, which was pending at that time.

In view of the remittal order passed by us now in Civil Appeal No.3640 of 2006 (arising out of S.L.P.(C) No. 11783 of 2003), the order dated 24.11.2005 passed by the Division Bench of the High Court has become infructuous. Since the matter has been pending for a very long time before the High Court and also in this Court, we request the Hon'ble Judges of the Division Bench of the High Court to dispose of the Special Appeal on merits after affording opportunities to the affected parties, the respondents therein. The Special Appeal is to be filed within three weeks from today. During the pendency of the S.L.P.(C) No.11783/2003, this Court, by interim order dated 10.2.2006, stayed the contempt proceedings. The said order will continue to be in force till the disposal of the Special Appeal by the Division Bench of the High Court. We request the learned Judges of the Division Bench to dispose of the Special Appeal within three months from today.

The appeals are accordingly disposed of with no orders as to costs.