

SUPREME COURT OF INDIA

State of M.P.

Vs.

Bharat Singh Bhati

C.A.No.2351 of 2008

(Tarun Chatterjee and Harjit Singh Bedi,JJ.)

01.04.2008

ORDER

[Arising out of SLP (C) 11968 of 2007]

1. Leave granted.

2. In our view, this appeal can be disposed of on a very short point. The respondents, Bharat Singh Bhati & Ors. filed a writ application before the High Court of Madhya Pradesh at Indore claiming relief that a minimum of pay-scale from the respective dates of their initial appointment be paid to them as had been paid to other similarly situated persons and for other incidental reliefs.

3. This writ petition was disposed of by directing payment of the minimum pay-scale from the respective dates of their initial appointment. From the order of the High Court, it would be evident that the High Court had noted that return to the writ petition was filed by the State of Madhya Pradesh, appellant herein, although, admittedly, no such return was filed.

4. An application for review of the order of the High Court allowing the writ petition of the respondents was filed, which was also rejected. A writ appeal against the original order of the learned Single Judge of the High Court allowing the writ application was also filed. The said appeal was also dismissed by a Division Bench of the High Court of Madhya Pradesh holding that in view of the rejection of the Review Application, the writ appeal could not be entertained.

5. Feeling aggrieved by the aforesaid orders of the learned Single Judge as well as of the Division Bench of the High Court, this Special Leave Petition has been filed, which was heard on grant of leave in presence of the learned counsel for the parties.

6. Having heard the learned counsel for the parties and considering the fact that return was in fact not filed by the appellants, we are of the view that the High Court was not justified in allowing the writ application without affording any opportunity of filing return to the writ

application filed by the respondents. In that view of the matter, we set aside all the orders passed by the learned Single Judge in the writ petition as well as in the Review Application and also the order passed in the writ appeal. The appellants shall file their return to the petition within six weeks from the date of supply of a copy of this order to the High Court and the High Court, thereafter, shall dispose of the writ application after giving hearing to the parties within a period of three months from the date of filing the return to the writ application by passing a reasoned and speaking order in accordance with law.

7. Accordingly, the appeal is allowed to the extent indicated above. There will be no order as to costs.