

SUPREME COURT OF INDIA

Lakshmi Narain Dubey

Vs.

State of Uttar Pradesh

C.A.No.3474/2018

(Kurian Joseph and Navin Sinha,JJ.,)

02.04.2018

JUDGMENT

Kurian Joseph, J.,

SLP (Civil)No.30093/2017

1. Leave granted.

2. The appellant is before this Court, aggrieved by the judgment dated 16.08.2017, where by the Division Bench of the High Court declined to interfere with the judgment dated 17.07.2012 passed in Writ A. No.33265/2012. The learned Single Judge had rejected the request of the appellant to interfere with the order of the Competent Authority declining approval to his appointment.

3. In the nature of order we propose to pass, it is not necessary to go into the factual matrix. Suffice it to note that the issue pertains to the service of the appellant under the Management.

4. Learned counsel appearing for the appellant submits that since the appellant is in service, he can be terminated from service only after a show cause notice is issued and his explanation is considered.

5. Learned counsel appearing for the proposed impleader / Mr. Ram Raseele Pandey submits that he may be heard in the matter since the appellant has suppressed some relevant information from this Court.

6. We do not think that we should go into these aspects at this stage. As and when the appellant is issued a show cause notice and he is heard, Mr. Ram Raseele Pandey, who now seeks to be impleaded will also be given an opportunity of hearing.

7. In that view of the matter, this appeal is disposed of as follows:

The Competent Authority shall issue a show cause notice to the appellant within a period of one month from today. Thereafter, the Competent Authority shall afford an opportunity for hearing to the appellant and Mr. Ram Raseele Pandey and any other interested/affected parties and take a final decision in the matter, within a period of three months thereafter. The impugned orders shall not stand in the way of the Competent Authority passing orders on merits.

8. Pending applications, if any, shall stand disposed of.
9. There shall be no orders as to costs.