

SUPREME COURT OF INDIA

Aparbal Yadav

Vs.

The State of U.P.

C.A.No.3695/2018

(Kurian Joseph,J., Mohan M.Shantanagoudar and Navin Sinha,JJ.,)

10.04.2018

JUDGMENT

Kurian Joseph,J.,

SLP (Civil)No.28552/2017

1. Leave granted.

2. The appellant is affected to the extent that the Division Bench of the High Court has interfered with the interim arrangement made by the learned Single Judge during the pendency of the writ petition with regard to payment of salary. Taking note of the long service rendered by the appellant, the learned Single Judge passed the following order, on 31.08.2017:-

"...Stopping salary of a teacher, who is continuously working for last thirty years, only on the basis of doubt is not justified. Accordingly, the impugned order dated 25th January, 2012 stopping the salary of the petitioner is stayed."

3. It appears, that the Division Bench, without considering the background of the case and the reasons which compelled the learned Single Judge to pass the order, directed the writ petition to be finally disposed of expeditiously, but modifying the interim order of the learned Single Judge to the effect that the status as was prevailing on the date of filing of the writ petition was to be maintained. It is not in dispute that as on the date of filing of the writ petition, the appellant was without salary on account of the impugned orders.

4. Having heard the learned counsel for the parties, we see no justification at all for the Division Bench to take such a view. After all, the appellant has been working since 1987 and was drawing salary till the impugned orders were passed in the year 2012.

5. In the above circumstances, the impugned judgment of the Division Bench of the High Court, to the extent it modified the interim order passed by the learned Single Judge, is set

aside and the appeal is, accordingly, allowed. The interim arrangement made by the learned Single Judge by order dated 31.08.2017 shall continue to operate till the disposal of the writ petition. The arrears of salary shall be released within a period of one month from today.

6. The writ petition may be disposed of on its own merits, uninfluenced by the judgment of the Division Bench of the High Court or of this Court.

7. Pending applications, if any, shall stand disposed of.

8. There shall be no orders as to costs.