

ITEM NO.14

COURT NO.5

SECTION X

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No. 19182/2019

(Arising out of impugned final judgment and order dated 23-05-2018 in WPSS No. 1355/2017 25-05-2018 in WPSS No. 1356/2017 12-07-2018 in WPSS No. 1358/2017 28-08-2017 in WPSS No. 1359/2017 08-10-2018 in WPSS No. 3521/2018 29-05-2017 in WPSS No. 2264/2016 20-04-2017 in WPSS No. 533/2016 18-02-2016 in WPSS No. 306/2016 04-02-2016 in WPSS No. 218/2016 04-02-2016 in WPSS No. 220/2016 04-02-2016 in WPSS No. 224/2016 04-02-2016 in WPSS No. 219/2016 29-08-2018 in SPA No. 187/2015 10-11-2016 in WPSS No. 1184/2016 12-04-2017 in WPSS No. 614/2017 10-06-2016 in CP No. 195/2016 passed by the High Court of Uttarakhand at Nainital)

THE STATE OF UTTARAKHAND & ORS.

Petitioner(s)

VERSUS

RAJNEESH NEGI & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.105937/2019-CONDONATION OF DELAY IN FILING and IA No.106151/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.105939/2019-EXEMPTION FROM FILING O.T. and IA No.105940/2019-CONDONATION OF DELAY IN REFILING)

Date : 26-07-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN  
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s)

Mr. Tushar Mehta, SG.  
Mr. Jatinder Kumar Sethi, Adv.  
Mr. Jatinder Kumar Bhatia, AOR  
Mr. Ashutosh Kumar Sharma, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

Delay condoned.

Learned Solicitor General argues that payment of House

Rent Allowance from the date of initial appointment will, in most cases, take the matter back beyond the year 2000 when the State of Uttarakhand itself was formed. In this view of the matter, according to him, if at all anybody should be liable to pay this amount, it should be the State of Uttar Pradesh. It is open for the Solicitor General to move an appropriate petition before the High Court pointing this fact out.

He further says that there ought to be no omnibus order in all cases because each case will depend upon its own facts. This can also be pointed out to the High Court in such petition.

If such petition fails in the High Court, the petitioner will be at liberty to challenge the original order as well.

Any contempt petition filed, in the meanwhile, will remain stayed during the pendency of the petition before the High Court.

The special leave petition stands disposed of.

Pending applications stand disposed of.

(NIDHI AHUJA)  
COURT MASTER (SH)

(RENU DIWAN)  
ASSISTANT REGISTRAR