

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.279-280 OF 2017
(@ SPECIAL LEAVE PETITION (CIVIL) Nos. 7536-7537 OF 2015)

CHANDRA BHAN AWASTHI AND ORS. . . . APPELLANT(S)

VERSUS

STATE OF U.P. AND ORS. . . . RESPONDENT(S)

WITH

CIVIL APPEAL Nos.281-282 OF 2017
(@ SPECIAL LEAVE PETITION (CIVIL) Nos. 11429-11430 OF 2015)

O R D E R

Heard learned counsel for the parties.

Leave granted.

The question considered in the impugned order is whether the appellants are entitled to payment of salary under the provisions of the Uttar Pradesh High Schools & Intermediate Colleges (Payment of Salaries of Teachers & Other Employees) Act, 1971. It has been brought to our notice that after the impugned judgment of the High Court, the larger Bench of this Court in State of Uttar Pradesh & Ors. Vs. Pawan Kumar Divedi & Ors. (2014) 9 SCC 692 has pronounced on the issue and the High Court did not have the benefit of considering the said judgment. In view thereof, we consider it appropriate that the High Court may consider the matter afresh. Accordingly, we set aside the impugned order of the High Court and remand the matter to the Division Bench of the High Court for fresh consideration in accordance with law.

The appeals are, accordingly, allowed in above terms.

The parties are directed to appear before the Division Bench of the High Court for further proceedings on 20th February, 2017.

.....J
[ADARSH KUMAR GOEL]

NEW DELHI
10TH JANUARY, 2017

.....J.
[UDAY UMESH LALIT]

ITEM NO.23

COURT NO.11

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 7536-7537/2015
(Arising out of impugned final judgment and order dated 10/12/2014
in CMR No. 181891/2013 29/04/2013 in SA No. 20/2009 10/12/2014 in
SA No. 20/2009 passed by the High Court Of Judicature at Allahabad)

CHANDRA BHAN AWASTHI AND ORS.

Petitioner(s)

VERSUS

STATE OF U.P. AND ORS.

Respondent(s)

(With appln. (s) for exemption from filing O.T. and interim relief
and office report)

WITH

SLP(C) No. 11429-11430/2015

(With Office Report)

Date : 10/01/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. S.R. Singh, Sr. Adv.
Mr. Ankur Yadav, Adv.
Mr. Kunal Yadav, Adv.
Ms. Shweta Yadav, Adv.
Mr. Mangal Prasad, Adv.
Mr. Yash Pal Dhingra, Adv.

Mr. D.P. Chaturvedi, Adv.
Ms. Anuradha Mutatkar, Adv.

For Respondent(s) Mr. P.N. Misra, Sr. Adv.
Mr. Sudeep Kumar, Adv.
Ms. Sakshi Kakkar, Adv.
Mr. C.D. Singh, Adv.

Mr. M. R. Shamshad, Adv.

Mr. D.P. Chaturvedi, Adv.
Ms. Anuradha Mutatkar, Adv.

Ms. Asha Gopalan Nair, Adv.

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

Heard learned counsel for the parties.
Leave granted.

The appeals are allowed in terms of the signed
order.

(Madhu Bala)
Court Master
(Signed order is placed on the file)

(Veena Khera)
Court Master