

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.877 OF 2017  
(Arising out of S.L.P. (C) No.29878 of 2013)

Bharat Sanchar Nigam Limited  
and Others

Appellant(s)

Versus

Chandra Prakash

Respondent(s)

O R D E R

Leave granted.

In this appeal, by special leave, the appellants call in question the legal acceptability of the order dated 25<sup>th</sup> April, 2013, passed by the High Court of Judicature at Allahabad, Lucknow Bench, Lucknow, in Writ Petition No.486 of 2003 (SB). The order passed by the High Court reads as follows:-

"Impugned judgment and order passed by the tribunal is passed on Apex Court's judgment. It does not seem to suffer from any impropriety or illegality. The writ petition is devoid of merit. It is accordingly dismissed."

It is submitted by Mr. R.D. Agrawala, learned senior counsel appearing for the appellants that the High Court has not ascribed any reason and, in fact, has not taken into consideration the three-Judge Bench decision rendered in Bharat Sanchar Nigam Limited vs. Ghanshyam Dass (2) and Others (2011) 4 SCC 374. Learned counsel for the respondent would submit that the decision rendered by the High Court cannot be regarded as faulty.

Having heard learned counsel for the parties, we have no hesitation in holding that the order passed by the High Court is an unreasoned order and, therefore, we set aside the same and remit the matter to the High Court to pass a reasoned order.

Consequently, the appeal is allowed, the order passed by the High Court is set aside and the matter is remitted to the High Court for fresh disposal keeping in view the aforesaid precedent in mind, within six months hence. There shall be no order as to costs.

.....J.  
(Dipak Misra)

.....J.  
(R. Banumathi)

New Delhi;  
January 23, 2017.

ITEM NO.45

COURT NO.2

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.29878/2013

(Arising out of impugned final judgment and order dated 25/04/2013 in WP No. 486/2003 passed by the High Court of Judicature at Allahabad, Lucknow Bench)

BSNL & ORS

Petitioner(s)

VERSUS

CHANDRA PRAKASH

Respondent(s)

(With appln. (s) for c/delay in filing rejoinder affidavit and stay and interim relief and office report)  
(For final disposal)

Date : 23/01/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA  
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. R.D. Agrawala, Sr. Adv.  
Mr Pavan Kumar, AOR

For Respondent(s) Mr. K.G. Bhagat, Adv.  
Mr. Vineet Bhagat, AOR

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

Leave granted.

The appeal is allowed in terms of the signed order.

(Chetan Kumar)  
Court Master

(H.S. Parasher)  
Court Master

(Signed order is placed on the file)