

ITEM NO.47

COURT NO.12

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). 25908/2014

(Arising out of impugned final judgment and order dated 10/01/2014 in WP No. 1461/2014 passed by the High Court Of Judicature at Allahabad)

UNION OF INDIA AND ORS.

Petitioner(s)

VERSUS

OM PRAKASH.  
(with interim relief and office report)

Respondent(s)

Date : 04/05/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. Maninder Singh, ASG  
Mr. R. Balasubramanian, Adv.  
Ms. Prerna Kumari, Adv.  
Ms. Aparjita, Adv.  
Mr. Mukesh Kumar Maroria, Adv.

For Respondent(s)

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

Leave granted.

The appeal is allowed to the extent indicated in the signed order.

(NEELAM GULATI)  
COURT MASTER

(TAPAN KR. CHAKRABORTY)  
COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No(s). 6441 OF 2017  
(Arising out of SLP(C) No. 25908 of 2014)

UNION OF INDIA AND ORS.

Appellant(s)

VERSUS

OM PRAKASH.

Respondent(s)

O R D E R

Heard learned counsel for the parties.

Leave granted.

It is submitted that judgment relied on by the High Court has been set aside by the High Court itself. And special leave petition against that judgment had also been dismissed by this Court.

Learned counsel has referred to the decision in The Controller General of Defence Accounts. vs. K.S. Balyan decided on 20.12.2010 by the High Court of Delhi at New Delhi and the order passed by this court dismissing special leave petition against High Court's judgment in K.S. Balyan vs. Controller Gen. of Defence Accounts decided on 18.07.2011.

In the circumstances, we set aside the impugned

order passed by the High Court and remit the case to the High Court for decision afresh as the respondent is not present before us.

High Court is requested to re-decide the matter in accordance with law.

The appeal is allowed to the aforesaid extent.

.....J.  
(ARUN MISHRA)

.....J.  
(AMITAVA ROY)

NEW DELHI;  
MAY 04, 2017