

ITEM NO.55

COURT NO.7

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). 4732/2020

(Arising out of impugned final judgment and order dated 13-09-2019 in CMRA No. 12/2019 passed by the High Court Of Judicature At Allahabad)

RAVINDRA NATH DUBEY

Petitioner(s)

VERSUS

THE U.P. SECONDARY EDUCATION SERVICE COMMISSION & ORS.Respondent(s)

(IA No. 225450/2023 - CONDONATION OF DELAY IN FILING, IA No. 11454/2023 - CONDONATION OF DELAY IN FILING THE SPARE COPIES AND IA No. 25960/2020 - EXEMPTION FROM FILING O.T.)

Date : 04-11-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE R. MAHADEVANFor Petitioner(s) Mr. Sakha Ram Singh, Sr. Adv.
Mr. Raahul Trivedi, Adv.
Mr. Krishna Pandey, Adv.
Mr. Riyaan Bholā, Adv.
Mr. Rishabh Mishra, Adv.
Mr. Sushashant Kr. Yadav, Adv.
Ms. Karan Preet Kaur, Adv.
Mr. Prabodh Kumar, AORFor Respondent(s) Ms. Sakshi Kakkar, AOR
Mr. Anchit Singla, Adv.UPON hearing the counsel the Court made the following
O R D E R

The facts of the case are little peculiar and we do not wish to enter into the same as it may ultimately result in making observations which may not be in the best interest of the Institution.

We find that the learned Single Judge while

dismissing the writ petition of the petitioner, which was pending since 1996-1997, directed that the emoluments paid to the petitioner for the period he continued in service on the strength of the interim order granted by the High Court may be calculated and recovered from him.

The intra-court appeal preferred by the petitioner before the Division Bench was dismissed for want of assistance by the counsel. The recall applications were also rejected.

The limited submission made before us by Shri S.R. Singh, learned senior counsel appearing for the petitioner, is that the direction for recovery was not warranted in the facts of the case as the petitioner had discharged his duty under the interim order and the selected candidate had never joined. As such this Court may consider setting aside the direction issued by the learned Single Judge and confirmed by the Division Bench for calculation and recovery of the emoluments paid to the petitioner for the concerned period.

In the peculiar facts and circumstances of the present case and the manner in which the litigation has proceeded before the High Court, we

are of the view that the direction issued by the learned Single Judge, as contained in paragraph 19 thereof be set aside.

The writ petition would stand dismissed but without any direction for calculation and recovery of the emoluments paid to the petitioner during the period he worked on the strength of the interim order.

Any amount, including GPF, deducted from the salary of the petitioner may be paid to the petitioner within a period of three months.

Petition stands disposed of as above.

Pending applications shall also stand disposed of.

(NEETU KHAJURIA)
ASTT. REGISTRAR-cum-PS

(RANJANA SHAILEY)
COURT MASTER