

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 9137 OF 2017

[@ SPECIAL LEAVE PETITION (C) NO. 14655 OF 2016]

HRIDAY SHANKAR TIWARI

PETITIONER (S)

VERSUS

DISTRICT COOPERATIVE BANK LTD. & ORS.

RESPONDENT (S)

J U D G M E N T

KURIAN, J.

1. Despite service of notice, none has appeared for the respondents.
2. Leave granted.
3. The appellant is before this Court, aggrieved by the short judgment of the High Court dated 4.7.2017, which reads as under:-

"1. Called in revised. None appeared to press this writ petition. In the circumstances, we ourselves have perused the record.

2. By means of present writ petition, petitioner has sought following reliefs:

"(a). Issue a writ, order or direction in the nature of certiorari quashing the termination order dated 2.8.2000 passed by the respondent No.2

(Annexure '9' to the writ petition);
(b) issue a writ, order of direction in the nature of mandamus commanding the respondents to reinstate the petitioner in his service with full salary and arrears."

3. Having gone through the entire writ petition, we do not find any ground entitling petitioner for grant of any of above reliefs. No interference, therefore, is called.

4. Dismissed.

5. Interim order, if any, stands vacated."

4. We have heard the learned counsel for the appellant and also gone through the records as produced by the appellant. Admittedly, there is no other alternative remedy available to the appellant for challenging the termination.

5. In that view of the matter, we are of the considered view that the High Court should have given an opportunity of hearing to the appellant and considered the matter on the submissions made by the appellant. We, hence, set aside the impugned judgment and, accordingly, the writ petition is restored. We request the High Court to dispose of the writ petition, after hearing the appellant herein.

6. The appeal is, accordingly, disposed of.

7. Pending applications, if any, shall stand disposed of.

8. There shall be no orders as to costs.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

NEW DELHI;
JULY 17, 2017.

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). 14655/2017

(Arising out of impugned final judgment and order dated 04-07-2016
in WA No. 37041/2000 passed by the High Court Of Judicature At
Allahabad)

HRIDAY SHANKAR TIWARI

PETITIONER(S)

VERSUS

DISTRICT COOPERATIVE BANK LTD. & ORS.

RESPONDENT(S)

Date : 17-07-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH

HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. K. L. Janjani, AOR
Mr. Anil Kumar Pandey, Adv.
Mr. Pankaj Kumar Singh, Adv.

For Respondent(s) Mr. Shirish Kumar Mishra, Adv. (N.P.)

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

Leave granted.

The appeal is disposed of in terms of the signed judgment.

(NARENDRA PRASAD)
COURT MASTER (SH)(RENU DIWAN)
ASST. REGISTRAR

(Signed "Non-Reportable" Judgment is placed on the file)