

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.728 OF 2020
(Arising out of S.L.P.(Civil)No.30133 of 2019)

State of Uttarakhand and Ors. ...Appellants

Vs.

Navindra Singh Bora & Ors. ...Respondents

WITH

CIVIL APPEAL NOS.729-730 OF 2020
(Arising out of S.L.P.(Civil)Nos.2745-2746 of 2020)
@ S.L.P.(CIVIL)DIARY No.489/2020

O R D E R

1. Delay condoned.
2. Leave granted.
3. We have heard learned counsel for the parties.
4. On the basis of submissions what emerges is that the crucial aspect which is sought to be raised by the State of Uttarakhand is whether the scenario in question is one covered by Rule 6 or Rule 8 of the Uttaranchal Government Servants Seniority Rules, 2002 has not been examined in either of the petitions. It is the case of the State Government that the recruitment in question is one covered by Rule 8 and not Rule 6 while the private respondents before us seek to contend to the contrary.

5. We are not commenting on the merits or de-merits of this contention. We would like to have the benefit of the order of the High court on this aspect, which has not been examined in either of the appeals.

6. In view of the aforesaid, with the consent of the learned counsel for the parties, we set aside the impugned orders, remand the matter back to the High Court for examination on merits of the aforesaid aspect which is crucial to the result of the appeals.

7. The appeals are accordingly allowed leaving the parties to bear their own costs.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[VINEET SARAN]

New Delhi;
January 27, 2020.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 30133/2019

(Arising out of impugned final judgment and order dated 17-05-2019 in WPSB No. 676/2018 passed by the High Court of Uttarakhand at Nainital)

STATE OF UTTARAKHAND & ORS.

Petitioner(s)

VERSUS

NAVINDRA SINGH BORA & ORS.

Respondent(s)

WITH Diary No(s). 489/2020

(FOR ADMISSION and I.R. and IA No.11874/2020-CONDONATION OF DELAY IN FILING and IA No.11875/2020-EXEMPTION FROM FILING O.T. and IA No.11876/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 27-01-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s) Mr. Tushar Mehta, SG
Ms. Vanshaja Shukla, AOR
Ms. Rachna Gandhi, Adv.
Ms. Anuja P., Adv.

For Respondent(s) Mr. Bijendra Chahar, Sr. Adv.
Mr. Ayush Negi, Adv.
Mr. Himanshu Tyagi, AOR

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

Delay condoned.

Leave granted.

The appeals are allowed in terms of the signed order. Pending applications shall also stand disposed of.

(ANITA MALHOTRA)
COURT MASTER

(ANITA RANI AHUJA)
COURT MASTER

(Signed order is placed on the file.)