

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2615 OF 2020
[@ SPECIAL LEAVE PETITION (C) NO. 5494 OF 2020]

DIRECTOR GENERAL OF EMPLOYEES
STATE INSURANCE CORPORATION

Appellant (s)

VERSUS

DR. DHIRENDRA SRIVASTAVA & ORS.

Respondent(s)

O R D E R

Heard the learned counsel for the parties.

Leave granted.

The interim order dated 23.12.2019 passed by the High Court allowing the respondent to work as a Dean of the ESIC Dental College, Delhi has been questioned by the appellant.

The age of the faculty members had been increased to 65 years. Whereas the respondent was appointed as a Dean, an interim relief has been granted, after he attained the age of superannuation, to continue him as Dean till further orders. We have gone through the various documents and the prayer made by the respondent in the application dated 28.02.2019. Without commenting on the merits of the case, we feel that the interim order, which is having the effect of granting final relief to the respondent as prayed in the writ petition, ought not to have been granted by the High Court. Nothing will survive in the writ

petition in case the interim order is enjoyed during its pendency.

Consequently, we vacate the interim order passed by the High Court and request the High Court to decide the matter within six weeks after hearing the learned counsel for the parties. It is assured by the learned counsel for the parties that no adjournment shall be prayed for before the High Court.

The appeal is, accordingly, disposed of.

.....J.
[ARUN MISHRA]

.....J.
[S. ABDUL NAZEER]

New Delhi;
JUNE 16, 2020

ITEM NO.24

Virtual Court 3

SECTION XIV-A

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

Petition for Special Leave to Appeal (C) No. 5494 of 2020

[Arising out of Judgment and interim order dated 23.12.2019 as passed by the High Court of Delhi at New Delhi in CM Application No. 55141

DIRECTOR GENERAL OF EMPLOYEES
STATE INSURANCE CORPORATION

Appellant(s)

VERSUS

DR. DHIRENDRA SRIVASTAVA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.38508/2020-EXEMPTION FROM FILING O.T. and IA No.38507/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 16-06-2020 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Appellant(s) Mr. Manish Kumar Saran, AOR

For Respondent(s) Mr. Aditya Sanghi, Adv.
Mr. Akshat Shrivastava, AOR

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 order.

Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(JAGDISH CHANDER)
ASSISTANT REGISTRAR

(Signed order is placed on the file)