

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 11236 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 7589 OF 2016]

REENA KUMARI AND ORS.

Appellant(s)

VERSUS

PRAVEEN KUMAR AND ORS.

Respondent(s)

WITH

SPECIAL LEAVE PETITION (C) NO. 7588 OF 2016

J U D G M E N T

KURIAN, J.

C.A.No. 11236 of 2016 (@ SLP (C) No.7589 of 2016)

1. Leave granted.

2. This appeal has arisen from the interim order dated 06.11.2015 passed by the High Court of judicature at Allahabad, Lucknow Bench, in Special Appeal Defective No. 368 of 2015.

3. That appeal was filed by the respondents herein, pursuant to the initiation of contempt proceedings by the learned Single Judge of the High Court. As per the impugned order, the Division Bench of the High Court has stayed the contempt proceedings. The appeal is still pending before the High Court.

4. The learned Single Judge of the High Court had disposed of the writ petition by Judgment dated 01.02.2013 by issuing six directions. Thereafter, a

Review Petition was filed and the same was disposed of by Order dated 21.10.2013. That was taken up in an intra-court appeal, which was dismissed by Order dated 17.12.2013. The Special Leave Petition against the said order was also dismissed by this Court by Order dated 04.08.2014.

5. Since the Division Bench, in the order dated 17.12.2013, has referred to the entire background of the selection and has also clarified the relief the Court intended to give, we request the High Court to consider the order in true spirit and dispose of the contempt appeal now pending before the High Court.

6. We also make it clear that it will be open to the appellants to point out before the High Court that they had been appointed when the matters were pending before the learned Single Judge and pursuant to the impugned order only, their services were terminated.

7. Needless to say that the Division Bench shall not be influenced by the *prima facie* views expressed by it in the impugned order. We request the High Court, being a selection pursuant to 2002-2003, to pass final orders, as above, preferably within one month from the date of production of a copy of this Judgment before it.

8. In view of the above, the appeal is disposed of.

No costs.

SLP (C) No.7588 of 2016

1. The applications for impleadment are rejected.
2. In view of the order passed above, we do not think that this Court should go into the merits of the matter.
3. The petitioners are free to raise all available contentions before the learned Single Judge, before whom their matters are pending.
4. The Special Leave Petition is, accordingly, disposed of.
5. We make it clear that we have not expressed any opinion on the merits of the case.
6. We further make it clear that during the pendency of the proceedings, either before the High Court or this Court, if any other cause of action has arisen, it will be open to the petitioners to pursue the same in appropriate proceedings.

No costs.

.....J.
[KURIAN JOSEPH]

.....J.
[ROHINTON FALI NARIMAN]

New Delhi;
November 22, 2016.