

CASE NO.:
Appeal (civil) 4889 of 2007

PETITIONER:
M.D., U.P. State Agro-Industrial Corpn. Ltd.

RESPONDENT:
Mahendra Kumar Mishra and Ors.

DATE OF JUDGMENT: 12/10/2007

BENCH:
Tarun Chatterjee & Dalveer Bhandari

JUDGMENT:
JUDGMENT

Tarun Chatterjee, J.

1. Delay condoned.

2. Leave granted.

3. This appeal is directed against the judgment and order dated 10th of January, 2006 of a learned Judge of the Allahabad High Court in WP No. 7150 (S/S) of 2000 and WP No.7 (S/S) of 2001.

4. In the writ petitions, the writ petitioner had challenged an order dated 11th of December, 2000, by which he was dismissed from the service. By the impugned order, the High Court has allowed the writ petitions in the following manner:

"In view of the above facts, the writ petition deserves to be allowed and accordingly an order/direction in the nature of certiorari is issued quashing the impugned order dated 11.12.2000 passed by the opposite party No. 3 as contained in Annexure No. 8 of this writ petition.

Since writ petition No. 7 (S/S) of 2001 has already been allowed so no relief in writ Petition No. 7150 of 2000 is being granted. The Petitioner would be reinstated on his services in accordance with the order dated 25.8.2000 passed by the opposite party No. 2 and petitioner may be given all consequential benefits including the arrears of salary etc. etc."

5. The question involved in this appeal is covered by a decision of this Court in the case of Prahlad Sharma v. State of U.P. and Ors., [2004] 4 SCC 113. In view of the aforesaid decision of this Court and as the case is covered by the aforesaid decision, this appeal is dismissed. There will be no order as to costs.

6. We are informed that the Respondent has already been reinstated and the order of the High Court has already been implemented and back-wages have been paid. This judgment and order shall not be treated as a precedent in case of similarly situated persons.