

CASE NO.:
Appeal (civil) 2265 of 2002

PETITIONER:
UNION OF INDIA

RESPONDENT:
R. MEENATCHI AND ANR

DATE OF JUDGMENT: 20/02/2008

BENCH:
H.K. SEMA & MARKANDEY KATJU

JUDGMENT:
JUDGMENT
O R D E R

CIVIL APPEAL NO.2265 OF 2002

In this appeal the question of interpretation of proviso to Schedule appended to the Rules called Government of Pondicherry, (Superintendent Grade-II) Recruitment Rules, 1991 has been raised. The controversy is confined to proviso to the Schedule appended to the Rules. It reads :

" Provided that the Assistants or, as the case may be, Senior Grade Stenographers, who have completed 15 years of continuous service as on 1-8-1981 are exempted from passing the Higher Accounts Test:"

The question is while reckoning the period of 15 years of continuous service as on 1-8-1981 whether the entire period of service rendered by Assistants or Senior Grade Stenographers is to be counted or only the period as Assistants or Stenographers as the case may be.

The Tribunal has interpreted the proviso to mean that the period of 15 years is to be counted on continued service as on 1-8-1981 and not as Assistant or Senior Grade Stenographers as the case may be. Aggrieved thereby, the State preferred writ petition before the High Court. : 2 :

The Division Bench of the High Court disposed of the appeal by a cryptic order in terms of the following :

" Counsel says that the interpretation placed by the Tribunal on the relevant Rules is incorrect. Having seen the Rule and the reasoning of the Tribunal, we cannot accept that submission. The writ petition is dismissed. Consequently, W.M.P. No.8968 of 2001 is dismissed."

We do not appreciate the way the Division Bench of the High Court disposed of the appeal as contentious points have been raised before the High Court with regard to the interpretation of the Rules. It was incumbent upon the Division Bench of the High Court to interpret the law supported by reasons. In this view of the matter the order of the Division Bench of the High Court being not supported by reasons is not tenable in law. The same is set aside and the matter is remitted to the High Court for a fresh decision in accordance with law.

The appeal is disposed of accordingly.