

CASE NO.:
Appeal (civil) 4018 of 2002

PETITIONER:
RESERVE BANK OF INDIA

RESPONDENT:
PREM SUKH

DATE OF JUDGMENT: 12/03/2008

BENCH:
H.K. SEMA & MARKANDEY KATJU

JUDGMENT:
JUDGMENT
O R D E R

CIVIL APPEAL NO. 4018 OF 2002

This appeal has been filed by the State aggrieved by the impugned order of the Division Bench.

In view of the short order that we propose to pass, it may not be necessary to recite the entire facts leading to the filing of this appeal and also we are not prepared to deal with the question of law that has been raised before us by Mr. R.N. Trivedi, learned senior counsel appearing for the appellant.

Suffice it to say, the respondent was entrusted with the higher duties in the Cash department as Assistant Treasurer on day to day basis by an order dated 1/6/1984. He continued in the same post upto 1988. It appears that by an interim order dated 6/9/1988 passed by the learned single Judge of the High Court in writ petition preferred by the respondent, he was allowed to continue till 4/9/1998. Aggrieved thereby, the appellant also filed an appeal before the Division Bench which was dismissed on 5/10/2001. The
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respondent was ultimately promoted to the post of Staff Officer/Assistant Treasurer in 2006. This court had granted stay order on 15/2/2002. This shows that even after the interim order was passed by this Court on 15/2/2002, the respondent was promoted to the post of Staff Officer/Assistant Treasurer in 2006. The respondent is due to retire in May 2008.

Considering the entire facts and circumstances as enumerated above, we decline to exercise our powers under Article 136 of the Constitution of India. We clarify that we do not enter into the question of law and the same is left open to be considered in an appropriate case. We further clarify that this order is passed in the facts and circumstances of the present case and it shall not form a precedent in future.

The appeal is disposed of in the above terms.