

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO.13695 OF 2015
(Arising out of SLP(C)No.21823 Of 2012)**

**CHIEF SECRETARY OF GOVERNMENT OF
KARNATAKA & ORS.**

... APPELLANT(S)

VS.

M.HABEEB (D) BY LRS.

... RESPONDENT(S)

J U D G M E N T

ANIL R. DAVE, J.

1. Leave granted.
2. The order dated 5th July, 2012, passed by the High Court of Karnataka at Bangalore, passed in W.P.No.8608/2011 has been challenged in this appeal.
3. By virtue of the said order, the High Court has directed that the order dated 15th April, 2008 passed in W.P.No.3502/2006 by the learned Single Judge of the High Court be implemented.
4. It is an admitted fact that the order dated 15th April, 2008 has been challenged by the present appellants- the State of Karnataka by filing a writ appeal and the said appeal is still pending. In view of the said fact, we are of the view that first of all that writ appeal should be finally decided and till then, the impugned order should

not have been passed. We clarify that any observation made in the impugned order shall not be taken into account by the High Court and the writ appeal shall be finally decided on its merits.

5. The impugned order is set aside and the appeal is disposed of with the above observations. Pending application, if any, stands disposed of.

6. *There shall be no order as to costs.*

.....J.
[ANIL R. DAVE]

.....J.
[ADARSH KUMAR GOEL]

New Delhi;
24th November, 2015.



JUDGMENT