

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7922 OF 2009
(Arising out of SLP(C)No.16262 of 2007)

P.W.D.EMPLOYEES' UNION & ORS. ...APPELLANTS

VERSUS

STATE OF GUJARAT & ORS. ...RESPONDENTS

WITH

CIVIL APPEAL NOS.7923-7944 OF 2009
Arising out of SLP(C)Nos.16665-16786 of 2007)

O R D E R

Leave granted.

These appeals by special leave are directed against the final judgment and order dated 9th of May, 2007 passed by the Division Bench of the High Court of Gujarat at Ahmedabad in Letters Patent Appeal No.1625 of 2006 arising out of Special Civil Application No.5529 of 2003 and LPA Nos.374-495 of 2007 arising out of Special Civil Application Nos.21935 to 22056 of 2006 respectively. By the aforesaid order, the Division Bench of the High Court had set aside the orders of the learned Single Judge in Special Civil Application No.5529

of 2003 and in Special Civil Application Nos.21935 to 22056 of 2006 and remanded back the matter to the learned Single Judge for deciding it afresh on merits and in accordance with law as well as relevant rules and resolutions.

Mr. P.H. Parekh, learned senior counsel appearing for the appellants challenged the aforesaid order of the Division Bench submitting that since the original order was passed on consent, it was not open to the respondent to file an appeal and proceed with the matter afresh, which was disputed by Mr. R.P. Bhatt, learned senior counsel appearing for the respondents.

Without going into the details of this matter and without interfering with the impugned order, we are of the view that since an order of remand has been passed, it would be fair and proper that the learned Single Judge shall decide the matter afresh and proceed independently to decide the question raised in the matter, without being influenced by any observation made in the order passed by the Division Bench of the High Court and observations,

if any, made by us in this order.

Accordingly, we request the learned Single Judge of the High Court to decide the matter afresh as aforesaid within a period of three months from the date of supply of a copy of this order to it, without granting any unnecessary adjournment to either of the parties.

The appeals are disposed of accordingly with no order as to costs.

.....J.
(TARUN CHATTERJEE)

.....J.
(SURINDER SINGH NIJJAR)

NEW DELHI,
DECEMBER 01, 2009.