

ITEM NO.52

COURT NO.7

SECTION XI

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

M.A.No.1790/2018 in SLP(C)No(s).12631/2018

THE STATE OF UTTAR PRADESH & ORS.

Petitioner(s)

VERSUS

VIMAL KUMAR MISHRA & ANR.

Respondent(s)

(For recalling the Court's order, intervention/impleadment)

WITH CONMT.PET.(C) No. 1467/2018 in SLP(C) No.12631/2018 (XI) -  
(With appln. for intervention/impleadment)

Date : 26-10-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s)

Mr. N.K. Kaul, Sr. Adv.  
Mr. Nikhil Majithia, AOR  
Mr. Raghvender Bajaj, Adv.  
Mr. Akash Lamba, Adv.

Ms. Vibha Datta Makhija, Sr. Adv.  
Ms. Disha Vaish, Adv.  
Mr. Prashan Shukla, Adv.  
Mr. Praveen, Adv.  
Mr. Satyajeet Kumar, AOR

Mr. Varinder Kumar Sharma, Adv.  
Ms. Parul Sharma, Adv.  
Mr. Shantanu Sharma, Adv.

For Respondent(s)  
State

Mr. Ajay Kumar Mishra, Sr. Adv. (AAG)  
Mr. Gaurav Agarwal, Adv.  
Mr. Ardhendumauli Kumar Prasad, AOR

Mr. P.N. Mishra, Sr. Adv.  
Ms. Preetika Dwivedi, Adv.  
Ms. Komal Mundhra, Adv.  
Mr. Saurabh Agrawal, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

It is a case where the matter, i.e., SLP(C)No.12631/2018 @ D.No.8833/2018 was got listed on the ground that similar matter is pending consideration. However, for the reasons best known to the office, it was not pointed out which similar matter was pending consideration. It was not pointed out that SLP(C) Nos.20618-19/2017 @ D.No.20465/2017 was pending in this Court and there was interim stay of promotion of Respondent Nos.1 and 2, namely, Vimal Kumar Mishra and Ishwar Pal. The counsel who appeared on behalf of the State was supposed to tell this Court the aforesaid aspect, as the case was listed on mentioning on behalf of State that similar matter was pending consideration.

Since the matter, i.e., SLP(C)Nos.20618-19/2017 @ D.No.20465/2017, is pending consideration, in the circumstances, as there is contradictory order which would not have been passed by this Court, but for the fact that the order in other pending matter was not brought to the notice of this Court, the aforesaid order was passed in those petitions. As such, we deem it appropriate to tag these matter, i.e., M.A.No.1790/2018 to be heard along with SLP(C)Nos.20618-19/2017.

In the meantime, the order passed in SLP(C)Nos.20618-19/2017 to prevail and not the order passed in SLP(C)No.12631/2018. The order dated 4.5.2018 passed in

SLP(C)No.12631/2018 with respect to promotion of Respondent Nos.1 and 2, namely, Vimal Kumar Mishra and Ishwar Pal, shall remain stayed.

List along with SLP(C)Nos.20618-19/2017 @ D.No. 20465/2017, in the month of November, 2018, before the appropriate Bench after taking order from the Hon'ble the Chief Justice of India.

(Jagdish Chander)  
Branch Officer

(Sarita Purohit)  
AR-cum-PS