

A

STATE OF U.P. AND ORS.

v.

RAM KHELAWAN AND ORS.

AUGUST 17, 1995

B

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

*Constitution of India :*

C

*Article 226—Writ Petition before the High Court—High Court granting relief by way of interim direction—Held, High Court prejudged the issue—Since issue is pending adjudication, High Court not justified in giving the directions.*

The State Government filed the appeal by special leave against the interim order granted by the High Court.

D

Allowing the appeal and setting aside the order of the High Court, this Court

E

**HELD :** The High Court prejudged the issue by directing to pay as if the respondents are regular employees. Since the issue is pending adjudication, the High Court is not justified in giving such direction. [822-H]

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 7873 of 1995.

F

From the Judgment and Order dated 25.2.93 of the Allahabad High Court in W.P. No. Nil of 1993.

R.B. Misra for the Appellant.

Ms. Abha R. Sharma for the Respondent.

G

The following Order of the Court was delivered :

Leave granted.

H

Heard the counsel on both sides. The High Court pre-judged the issue by directing to pay as if the respondent is a regular employee. Since this issue is pending adjudication, the High Court is not justified in giving

such direction.

A

Accordingly, the direction is set aside. Since the matter is pending in the High Court, we request it to dispose of the same as expeditiously as possible preferably within six months, giving preference to the writ petition.

B

The appeal is accordingly allowed.

R.P.

Appeal allowed.