

**(1998) 07 AHC CK 0019**

**In the Allahabad High Court**

**Case No :** Civil Miscellaneous Writ Petition No. 28178 of 1992

Anil Kumar Nigam

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

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**Date of Decision :** 14-07-1998

**Acts Referred:**

**Citation :** (1999) 1 UPLBEC 122

**Hon'ble Judges :** Alok Chakrabarti, J

**Bench :** Single Bench

**Advocate :** Devendra Pratap Singh, for the Appellant;

**Final Decision :** Allowed

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## **Judgement**

Alok Chakrabarti, J.—Heard learned Counsel for the petitioner and learned Standing Counsel. Though no counter affidavit has been filed in spite of opportunity granted but the question involved herein as argued by learned Counsel for the parties being a question of law, learned Counsel for both the parties agreed for final disposal of the writ petition.

2. Learned Counsel for the petitioner referred to impugned order at Annexure-9 to the writ petition dated 13.3.1991 and contended that reference sought for by the petitioner has been refused upon deciding the dispute on merit and it is contended that thereby the authority concerned acted beyond jurisdiction. A reference was made to the decisions in this connection decided by the Apex Court in the case of M.P. Irrigation Karamchari Sangh Vs. State of M.P. and Another, , Ram Avtar Sharma and Others Vs. State of Haryana and Another, and Workmen of Syndicate Bank, Madras Vs. Government of India and Another, .

3. After considering the contention of the respective parties it appears that admittedly in the present case reference has been denied by deciding the question on merit which results in acting beyond jurisdiction of the concerned authority. Nothing has been shown on behalf of the respondents in support of the impugned order and in view of the facts of the present case I find that the

impugned order was passed upon adjudication the dispute itself.

4. In view of the aforesaid, the writ petition is allowed and the impugned order dated 13.3.1991 Annexure-9 to the writ petition is hereby quashed. The respondent authority will pass appropriate order on the question of making or refusing reference in accordance with law expeditiously within a period of three months from the date of production of a certified copy of this order.