

(1999) 09 SC CK 0150

In the Supreme Court Of India

Case No : Civil Appeals Nos. 5393-94 Of 19991

State of Haryana

APPELLANT

Vs

Suman Dutta

RESPONDENT

Date of Decision : 20-09-1999

Acts Referred:

Citation : (2000) 10 SCC 326

Hon'ble Judges : U. C. Banerjee, J;G. B. Pattanaik, J

Bench : Division Bench

Final Decision : Allowed

Judgement

G.B. Pattanaik, J.—Leave granted.

2. This appeal by the State of Haryana is directed against an interim order passed by the High Court of Punjab & Haryana at Chandigarh in CWP No. 10493 of 1998, staying the order of termination. The positive case of the State is that the respondent did not pass the necessary examination in shorthand and typing. We are not expressing any opinion as to whether the services of an employee could be terminated for not passing the shorthand and typewriting test, but we are clearly of the opinion that the High Court erred in law in staying the order of termination as an interim measure in the pending writ petition. By such interim order if an employee is allowed to continue in service and then ultimately the writ petition is dismissed, then it would tantamount to usurpation of public office without any right to the same. We, therefore, set aside the impugned order of the High Court staying the order of termination. Needless to mention, the High Court will decide the writ petition on its own merits without being in any way influenced by our interfering with the impugned order.

3. The appeals stand disposed of accordingly.