

A

MOOL SHANKAR SINGH

v.

REGIONAL MANAGER, P.N.B. AND ANR.

MARCH 12, 2004

B

[BRIJESH KUMAR AND ARUN KUMAR, JJ.]

*Constitution of India, 1950:*

C

*Article 226—Writ petition before High Court pertaining to claim for higher special allowance—Disposed of with a direction to make representation—Representation made but rejected—Employee again approaching High Court—Grievance of employee not considered on merits—Held, merely because in the earlier writ petition the High Court had provided only for making representation, it would not mean that the matter is closed and the petitioner was not entitled to approach High Court—High Court should have considered the grievance of the employee on merits—Matter remanded to High Court for consideration on merits—Practice and Procedure.*

D

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 1591 of 2004.

E

From the Judgment and Order dated 4.10.2002 of the Allahabad High Court in C.M.W.P. No. 2196 of 1994.

Mohan Pandey for the Appellant.

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Dhruv Mehta, Mohit Choudhary, Mrs. Shalini Gupta for M/s. K.L. Mehta & Co., for the Respondents.

The following Order of the Court was delivered :

Leave granted.

G

Heard the learned counsel for the parties.

In our view the High Court should have considered the grievance of the appellant on merits pertaining to his claim for higher special allowances. Merely because in the earlier writ petition the High Court had provided only

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for making representation, it would not mean that the matter is closed and the petitioner was not entitled to approach the High Court, later even though the representation was rejected and no relief was granted to him. The High Court never considered the case on merits. A

We, therefore, allow the appeal and set aside the order passed by the High Court and remand the matter for consideration on merits. B

R.P.

Appeal allowed.