

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT APPEAL NO.1245 OF 2018

JUDGMENT: (per SK,J)

Hindustan Aeronautics Limited, Bangalore, and its Avionics Division at Hyderabad filed this appeal aggrieved by the interim order dated 23.07.2018 passed by a learned Judge of this Court in I.A.No.1 of 2018 in W.P.No.17333 of 2018. By the said order, the learned Judge directed the appellants herein to start paying State Government pay scales to the members of the HAL Secondary School Staff Welfare Association from May, 2018 onwards, pending disposal of the writ petition.

The writ petition is still pending consideration.

While so, aggrieved by the directions issued, the present appeal was preferred by the Hindustan Aeronautics Limited, Bangalore, and its Avionics Division at Hyderabad.

By order dated 03.10.2018, this Court dismissed I.A.No.1 of 2018 filed in this appeal seeking suspension of the order under appeal. This order reads as under:

'In the light of the law laid down by the Supreme Court in SHRI ANADI MUKTA SADGURU SHREE MUKTAJEE VANDASJI SWAMI SUVARNA JAYANTI MAHOTSAV SMARAK TRUST V/ s. V.R.RUDANI [AIR 1989 SC 1607], we are of the opinion that the appellant-organisation cannot assail the interim order under appeal on the ground of maintainability of the writ petition. Having been granted affiliation by the Central Board of Secondary Education subject to certain conditions, the appellant-organisation cannot refuse to pay appropriate salaries to its teachers.

We therefore find no grounds to interfere with the interim order under appeal.

The IA is accordingly dismissed.'

In the light of the aforestated interim order passed in this appeal, the main appeal itself ceases to have any meaning and the appellants would necessarily have to address all issues in the pending writ petition as this Court cannot, in the guise of this appeal, step into the shoes of the learned Judge.

The writ appeal is accordingly dismissed leaving all issues open. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR,J

M.GANGA RAO,J

Date:15.11.2018

GJ

