



Cont.A.No.11 of 2022

Contempt Appeal No.13 of 2022

and

C.M.P.No.21081 of 2022

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P.N.PRAKASH.J.,

AND

N.ANAND VENKATESH.J.,

[Order of the Court was made by P.N.PRAKASH.J.,]

On 23.12.2022, we passed the following order:-

“Mr.Ramanlaal, learned Additional Advocate General appearing for the appellant sought some more time to file a memo in order to convert the present Contempt Appeal as Letters Patent Appeal in the light of the law laid down by Honourable Supreme Court in Midnapore Peoples' Coop Bank Limited v. Chunilal Nanda [(2006) 5 SCC 399].

Post on 03.01.2023. The order of interim stay granted by this Court on 06.12.2022 shall continue until further orders ”

2. Pursuant to the above, a memo has been filed by the learned counsel for

the appellant, which reads as under:-

“It is submitted that the Appellant have filed the Appeal against the order of the learned single Judge in Sub Application No.98 of 2019 in Contempt Petition No.830 of 2014 in W.P.No.34530 of 2012 directing the Appellant herein and the second respondent to pay the Dearness Allowance to the State Transport Corporations Retired Employees prospectively from November, 2022 onwards.

In view of the judgment of the Hon'ble Supreme Court of India reported in 2006 SCC 399



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the appeal may be converted into a Letters Patent Appeal. The appeals are filed only under Clause 15 of the Letters Patent Act and it is in the interest of justice and to avoid technical objections the appeal may be converted into a Letters Patent Appeal.

It is therefore prayed that this Hon'ble Court may be pleased to convert the Appeal into a Letters Patent Appeal and pass such other suitable orders and thus render justice.”

3. We are satisfied with the reasons assigned in the memo and we are therefore, inclined to convert this Contempt Appeal as Letters Patent Appeal under Clause 15 of the Letters Patent. This Contempt Appeal is converted accordingly as Letters Patent Appeal. The Registry is directed to act upon this order and renumber this Contempt Appeal as an Appeal under clause 15 of the Letters Patent and post the same before the Division Bench which deals with the subject matter as per the roster.

[P.N.P., J] [N.A.V.,J.]
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P.N.PRAKASH.J.
AND
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