

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 544 of 2000

in

SPECIAL CIVIL APPLICATION No 1974 of 1988

with

MISC.CIVIL APPLICATION No 1082 of 2001

with

Civil Application No.8189 of 2000

For Approval and Signature:

HON'BLE MR.JUSTICE M.H.KADRI

and

HON'BLE MR.JUSTICE K.A.PUJ

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

NID

Versus

DALSUKH KESHAVALAL

Appearance:

1. LETTERS PATENT APPEAL No. 544 of 2000
Mr. K.S. Nanavati, Senior Advocate, with

Mr. Keyur Gandhi for NANAVATI ASSOCIATES
for the Appellant

MR MUKUL SINHA for Respondent No. 1

..... for Respondent No. 2-4

2. Misc.Civil Application No. 1082 of 2001

MS ARCHANA C RAVAL for Appellant

Mr. K.S. Nanavati, Senior Advocate, with

Mr. Keyur Gandhi for NANAVATI ASSOCIATES

for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE M.H.KADRI

and

HON'BLE MR.JUSTICE K.A.PUJ

Date of decision: 30/09/2003

COMMON ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE M.H.KADRI)

1. Mr. K.S. Nanavati, Senior Advocate, with learned advocate, Mr. Keyur Gandhi, for M/s. Nanavati Associates, appearing for the appellant, and learned advocate Mr. Mukul Sinha, appearing for the respondents (original petitioners), have placed on record the compromise terms duly signed by both the parties and their learned advocates. The compromise terms are ordered to be taken on record.

2. As per the compromise terms, the suspension orders against the respondents Nos.2,3 and 4 have been revoked by the appellant-NID, and they have been reinstated in service as per the Resolution of the Standing Committee of the NID, as detailed in Annexure "I" to the compromise purshis. The respondents Nos. 2, 3 and 4 have been paid their respective dues after their reinstatement in service.

3. During pendency of the appeal, respondent No.1 (original petitioner No.1), Mr. Dalsukh Keshavlal, has retired from service of the appellant-NID, and his case has also been considered on equal footing with other three respondents, as stated hereinabove, as per the Resolution of the Standing Committee of the NID, as detailed in Annexure "II" to the compromise purshis.

4. In view of the compromise terms arrived at between the parties, the impugned judgment and order of the learned single Judge passed in Special Civil Application No.1974 of 1988 is modified as per the said

compromise terms.

5. The learned single Judge has held that the NID is a 'State' within the meaning of Article 12 of the Constitution. The said finding is challenged by the appellant-NID in the Letters Patent Appeal. As the dispute between the parties is amicably settled out of Court, the learned advocate, Mr. Mukul Sinha, appearing for the respondents (original petitioners) does not press at this stage the validity of the finding of the learned single Judge on the question whether the NID is a 'State' within the meaning of Article 12 of the Constitution, and consents that the said finding of the learned single Judge be quashed and set aside as not pressed.

6. Accordingly, the finding of the learned single Judge that the NID is a 'State' within the meaning of Article 12 of the Constitution is quashed and set aside, as not pressed. However, we make it clear that the question whether the NID is a 'State' within the meaning of Article 12 of the Constitution or not, would remain open and can be raised and decided afresh at the appropriate proceedings in future.

7. The Letters Patent Appeal No.544 of 2000 stands disposed of as per the compromise terms, with no order as to costs.

8. As Letters Patent Appeal No.544 of 2000 is disposed of as per the compromise terms, Civil Application No.8189 of 2000 for stay does not survive and stands disposed of accordingly with no order as to costs.

9. Consequently, learned advocate, Ms. Archana C. Raval, does not press Misc. Civil Application No.1081 of 2001 for contempt. Misc. Civil Application No.1081 of 2001 also stands disposed of accordingly. Notice is discharged with no order as to costs.

(M.H. Kadri, J.)

(K.A. Puj, J.)

(swamy)