

NOTICE

In Special Appeal Defective No.310 of 2024 [*State of U.P. Through Principal Secretary Department of Revenue, Uttar Pradesh, Lko & Others Vs Vishwanath Vishwakarma*], the following questions have been referred to the Larger Bench :

“(i) Whether, considering Article 309 to the Constitution of India and Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952, especially the object and intent behind the latter rule, an appeal arising out of a judgment of a writ court wherein an appellate order referable to the U.P. Government Servant (Discipline and Appeal) Rules, 1999 framed under the proviso to Article 309 of the Constitution of India was under challenge, a Special Appeal will lie or not, as, in respect of a judgment of a writ court wherein an appellate order passed under rules framed under a statute whether State or Central, referable to the State or Concurrent List of the Seventh Schedule of the Constitution of India, a special appeal is specifically barred by the said Rule; Would it not be discriminatory and unreasonable if the former appeal is maintainable while latter is not maintainable?”

(ii) Whether the decision of this Court in the case of Triyugi Narayan Shahi (supra) lays down the law correctly with regard to the purport and application of Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952 in the context of rules made under the proviso to Article 309 of the Constitution of India?”

The Hon’ble Larger Bench is likely to be constituted in the first week of September, 2024 in Court No.3. Learned members of the Bar may appear to assist the Hon’ble Larger Bench after obtaining necessary permission from the Hon’ble Court and may submit their written submission before the Hon’ble Court in advance.

**BY ORDER OF HON’BLE THE CHIEF JUSTICE
20.08.2024**