

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (C) NOS.26450-26451 OF 2012

UNION OF INDIA & ORS.PETITIONER(S)/
APPELLANT(S)

VERSUS

MD. SHAHBAZ ALAM & ORS.RESPONDENT(S)

WITH

SPECIAL LEAVE PETITION NO.9738 OF 2013

SPECIAL LEAVE PETITION NO.10085 OF 2013

CIVIL APPEAL NO.1040 OF 2014

AND

WITH

CIVIL APPEAL NO.8991 OF 2014

O R D E R

S.L.P (C) Nos.26450-26451 of 2012

1. These special leave petitions are directed

against the judgment and order passed by the High

Court of Delhi in W.P. (C) No.7353 of 2011 and C.M.

No.16676 of 2011, dated 11.01.2012.

2

Signature Not Verified

Digitally signed by

NEETU KHAJURIA

Date: 2015.02.21

13:12:49 IST

Reason:

2. By the impugned judgment and order the High

Court has allowed the writ petition preferred by the

respondent-herein and directed the petitioner-Union

of India to issue "No Objection Certificate" to the

respondent.

3. Heard learned counsel for the parties to

the lis.

4. We are informed by the learned counsel for

the parties that the order passed by the High Court

has already been implemented by the petitioners.

5. Since the orders passed by the High Court had already been implemented by the petitioners, in the peculiar facts and circumstances of the case, we dispose of these special leave petitions without going into the merits of this case.

6. However, the question of law raised requires to be agitated in an appropriate case.

7. The above order passed by us shall not be treated as precedent in any other case.

3

S.L.P.(C) No.9738 of 2013, S.L.P.(C) No.10085 of 2013, C.A. No.1040 of 2014, and C.A. No.8991 of 2014

In view of the dismissal of S.L.P (C) Nos.26450-26451 of 2012 these special leave petitions and civil appeals are also disposed of in the same terms, observations and directions.

.....CJI.
(H.L. DATTU)

.....J.
(A.K. SIKRI)

.....J.
(ARUN MISHRA)

NEW DELHI;
FEBRUARY 12, 2015.

1

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.10476 OF 2013

R. SHANKAR RAJ ...APPELLANT(S)

VERSUS

UNION OF INDIA & ORS. ...RESPONDET(S)

O R D E R

1. This appeal is filed against the judgment and order passed by the Armed Forces Tribunal in T.A. No.21 of 2012, dated 24.09.2013.

2. By the impugned judgment and order the Tribunal has rejected the application filed by the appellant-herein for premature release from Naval service to take up service of a Commissioned Officer in the Indian Army.

3. Shri C.N. Sreekumar, learned counsel for the appellant, submits that during the pendency of the special leave petition before this Court, the

2

appellant-herein has joined the services of the Indian Army and is working in the said establishment. In view of the submission so made by learned counsel for the appellant, at this stage, we do not intend to disturb the services of the appellant who is serving the Indian Army.

4. Accordingly, the civil appeal is disposed of. However, we make it clear that we have not gone into the validity or otherwise of the order dated 23.11.2005 passed by the Naval authorities, the same is kept open to be agitated in an appropriate case.

.....CJI.
(H.L. DATTU)

.....J.
(A.K. SIKRI)

.....J.
(ARUN MISHRA)

NEW DELHI;
FEBRUARY 12, 2015.

1

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO.535 OF 2014

RAGHVENDRA PRATAP SINGH

...PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

...RESPONDENT(S)

O R D E R

None appears for the petitioner. Heard learned counsel for the respondents.

After going through the judgment(s) and order(s) passed by the High Court as well as the Trial Court and in view of the peculiar facts and circumstances of the case, we dispose of this writ petition with liberty to the petitioner to approach the High Court for appropriate relief, if he so desires. No costs.

.....CJI.
(H.L. DATTU)

.....J.
(A.K. SIKRI)

.....J.
(ARUN MISHRA)

NEW DELHI;
FEBRUARY 12, 2015

1

ITEM NO.4 COURT NO.1 SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petitions for Special Leave to Appeal(C) Nos.26450-26451/2012

(Arising out of impugned final judgment and order dated 11/01/2012 in WP No. 7353/2011 and CM No. 16676/2011 passed by the High Court Of Delhi At New Delhi)

UNION OF INDIA & ANR Petitioner(s)

VERSUS

SHAHBAZ ALAM & ORS. Respondent(s)

WITH

SLP(C) No. 9738/2013
(With Office Report)

SLP(C) No. 10085/2013
(With prayer for interim relief and Office Report)

C.A. No. 1040/2014
(With Office Report)

C.A. No. 8991/2014
(With appln.(s) for leave to appeal u/s 31(1) of the Armed

Forces Tribunal Act, 2007, stay and Office Report)

SLP(C) No.22753/2011

SLP(C) No. 23281/2011
(With Office Report)

SLP(C) No. 23369/2011
(With prayer for interim relief and Office Report)

SLP(C) No. 23403/2011
(With appln.(s) for permission to place addl. documents on
record and prayer for interim relief and Office Report)

SLP(C) No. 23591/2011
(With prayer for interim relief and Office Report)

3

SLP(C) No. 23579/2011
(With prayer for interim relief and Office Report)

SLP(C) No. 26573/2012
(With Office Report)

SLP(C) No. 28503/2012
(With prayer for interim relief and Office Report)

SLP(C) No. 21446/2013
(With Office Report)

C.A. No. 10476/2013
(With appln.(s) for stay and Office Report)

SLP(C) No. 14533/2014
(With appln.(s) for permission to place addl. documents on
record, prayer for interim relief and Office Report)

W.P.(C) No. 535/2014
(With Office Report)

Date : 12/02/2015 These appeals/petitions
 were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ARUN MISHRA

For Petitioner(s) Mr. N.K. Kaul, ASG
 Mr. Rana Mukherjee, Adv.
 Ms. Aakanksha Kaul, Adv.
 Ms. Silpa Nair, Adv.
 Mr. Sanyat Lodha, Adv.
 Mr. B. V. Balaram Das, Adv.

 Mr. Arvind Nayar, Adv.
 Mr. Z. Haque, Adv.
 Mr. A. Venayagam Balan, Adv.
 Ms. V.S. Lakshmi, Adv.

 Mr. Dibya Nishant, Adv.
 Mr. Shantanu Kumar, Adv.

 Mr. Dibya Nishant, Adv.
 Mr. Sanjeev Anand, Adv.

4

Mr. Subhro Sanyal, Adv. (NP)

Mr. C. N. Sree Kumar, Adv.
Mr. Rahul Kumar, Adv.

For Respondent(s) Mr. N.K. Kaul, ASG
Mr. Rana Mukherjee, Adv.
Ms. Aakanksha Kaul, Adv.
Ms. Silpa Nair, Adv.
Mr. Sanyat Lodha, Adv.
Mr. B. V. Balaram Das, Adv.

Mrs. Anil Katiyar, Adv.
Mr. B. Krishna Prasad, Adv.

Mr. Akshat Shrivastava, Adv.

Mr. Rajesh Kumar, Adv.
Mr. Gaurav Kumar Singh, Adv.
Mr. Rakesh Chauasiya, Adv.
For M/s Mitter & Mitter Co.

Mrs. Rachana Joshi Issar, Adv.
Ms. Ambreen Rasool, Adv.

Mr. Rajat Arora,
Ms. Ritu Arora, Adv.
Mr. Rajiv Nanda, Adv.
Mr. Anuvrat Sharma, Adv.

Mr. Arvind Nayar, Adv.
Mr. Z. Haque, Adv.
Mr. A. Venayagam Balan, Adv.
Ms. V.S. Lakshmi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

SLP (C) Nos. 26450-26451/2012, 9738/2013, 10085/2013, C.A.
No. 1040/2014 and C.A. No. 8991/2014

These matters are disposed of in terms of the
signed order.

5

SLP(C) Nos. 22753, 23369, 23579 of 2011 and 28503 of 2012

After disposal of the writ petition(s) the
petitioner(s) had applied for another post in group 'A'
category in IDBI. They have been selected and thereafter
they had applied for discharge certificate(s) and the same
have been furnished to them by the respondents.

Now, as they have joined another post in group 'A'
category in IDBI and continued to work in the said post, in
our opinion, nothing survives in this petition for our
consideration and decision. Accordingly, we dispose of these
special leave petitions as having become unnecessary.

However, we keep the question of law open to be agitated in the cases which are still pending before us.

S.L.P.(C) No. 23281/2011

The petitioner is before us aggrieved by the orders passed by the High Court in Writ Petition (C) No.3203 of 2011. After the impugned order was passed by the High Court, the respondents have passed an order dated 20.10.2011 cancelling/withdrawing the offer of appointment made to the petitioner by their letter dated 12.04.2011. Admittedly, the petitioner has not questioned the said revocation of the appointment order.

6

In view of this development, as of now, nothing survives for our consideration and decision in this special leave petition. In fact, the issue raised in this special leave petition is purely academic in nature and this Court should not waste its time in deciding such issues, which are purely academic in nature. In that view of the matter, we dispose of the special leave petition as having become infructuous.

The order passed by us shall not come in the way of the High Court in deciding the matters pending before them, in accordance with law.

Ordered accordingly.

S.L.P.(C) No. 23403/2011

Shri Arvind Nayar, learned counsel for the petitioner, on instructions, seeks leave of this Court to withdraw this special leave petition as the petitioner intends to continue serving in the Air Force only.

Permission sought for is granted.

The special leave petition is disposed of as withdrawn.

SLP(C) No. 23591/2011

List this matter on 13th February, 2015.

7

SLP(C) No. 26573/2012

Shri Dibya Nishant, learned counsel appearing for the petitioner, submits that as of now the relief sought for in this special leave petition does not survive for consideration and decision of this Court.

In view of the submission so made by learned counsel for the petitioner the special leave petition is disposed of as having become infructuous.

Ordered accordingly.

SLP(C) No. 21446/2013

Shri Dibya Nishant, learned counsel appearing for the petitioner, on instructions, seeks permission/ leave of this Court to withdraw this special leave petition with liberty to approach the High Court for appropriate relief.

Permission sought for is granted.

The special leave petition is disposed of as withdrawn with liberty to approach the High Court for appropriate relief.

C.A. No. 10476/2013

This civil appeal is disposed of in terms of the signed order.

8

SLP(C) No. 14533/2014

Heard Shri Arvind Nayar, learned counsel for the petitioner and perused the record of the case. We do not see any good ground to interfere with the judgment and order passed by the High Court. Accordingly, the special leave petition is dismissed.

W.P.(C) No. 535/2014

This writ petition is disposed of in terms of the signed order.

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assistant Registrar

(Signed orders in SLP(C) 26450-26451/2012, WP(C)No.535/2014
and CA No.10476/2013 are placed on the file.)