

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1545 OF 2016  
(Arising out of SLP ( C) NO. 35512 of 2011)

SUBHASH & ORS.

APPELLANTS

VERSUS

GURU TEG BAHADUR HOSPITAL  
GOVT.OF NCT DELHI & ORS.

RESPONDENTS

WITH

CIVIL APPEAL NO.1546 OF 2016  
(Arising out of SLP ( C) NO. 830 of 2012)

J U D G M E N T

KURIAN, J.

1. Leave granted.
2. The appellants had been, according to them working as Class-IV employees under the respondent-Hospital during two spells. However, there is no record to show that they have been employed by the Hospital and have been paid directly by the Hospital.
3. Learned counsel for the appellants submits that though it was a direct employment by the Hospital, in order to deny regularization, their wages were being paid through the Contractor. However, the learned counsel for the respondents submits that the appellants have never been employed by the Hospital and being the employees of a Contractor, they were paid by the Contractor.

4. Having heard the learned counsel for both sides for some time, we do not think that this Court should address various contentious advanced before this Court.

5. In our view, the interest of the appellants can be protected and the cause of justice be also advanced in case a direction is issued to the respondent-Hospital that in future if any Class-IV vacancy under the respondent-Hospital is filled up, preference shall be given to the appellants according to their inter-se seniority. Needless to say that the objection on age bar shall be ignored.

6. The appeals are disposed of with no order as to costs.

.....J.  
[KURIAN JOSEPH]

.....J.  
[ROHINTON FALI NARIMAN]

NEW DELHI;  
FEBRUARY 19, 2016

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 35512/2011

(Arising out of impugned final judgment and order dated 15/09/2011  
in LPA No. 422/2010 passed by the High Court of Delhi at New Delhi)

SUBHASH &amp; ORS.

Petitioner(s)

VERSUS

GURU TEG BAHADUR HOSP.GOV'T.OF NCT DELHI &amp; ORS.

Respondent(s)

(with appln. (s) for permission to place addl. documents on record)

WITH

SLP(C) No. 830/2012  
(With Office Report)

Date : 19/02/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH  
HON'BLE MR. JUSTICE ROHINTON FALI NARIMANFor Petitioner(s) Mr. Harsh Vardhan Surana, Adv.  
Ms. Deepali S. Surana, Adv.  
Mr. Abhishek Chaudhary, Adv.  
Ms. Nitin Singh, Adv.Mr. Siju Thomas, Adv.  
Mr. Rohit Adlakha, Adv.  
Mr. Towseef Ahmad Dar, Adv.

Mr. Alex Joseph, Adv.

For Respondent(s) Mr. A.K.Panda, Sr. Adv.  
Mr. Sanjeev Das, Adv.  
Mr. Ajay Kr. Singh, Adv.  
Mr. D. S. Mahra, Adv.Mr. B. V. Balaram Das, Adv.  
Mr. Chandra Prakash, Adv.

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

Leave granted.

The appeals are disposed of in terms of the signed  
non-reportable judgment.

(Rajni Mukhi)  
Sr. P.A.

(Renu Diwan)  
Court Master

(Signed non-reportable judgment is placed on the file)