

ITEM NO.59

COURT NO.11

SECTION XIIIA

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). 13455-13456/2013

(Arising out of impugned final judgment and order dated 29/10/2010 in WP No. 6914/2005 and 24/08/2012 in RWPMP No. 22347/2012 passed by the High Court Of A.P At Hyderabad)

U.O.I. & ANR.

Petitioner(s)

VERSUS

V. SRINIVASA RAO & ORS.

Respondent(s)

(With appln. (s) for permission to file additional documents and prayer for interim relief and office report)

Date : 21/07/2014 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE M.Y. EQBAL

For Petitioner(s)

Mr. P.N. Misra, Sr. Adv.
Mr. Amit Agrawal, Adv.
Mr. Maneandra Dubey, Adv.
Mr. Sanjay Kumar Visen, Adv.

For Respondent(s)

Mrs. Anjani Aiyagari, Adv.

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

Heard learned counsel for the parties.
Leave granted.
The appeals are disposed of in terms of the signed
order.

Signature Not Verified

Digitally signed by

(MADHU BALA)

(SNEH LATA SHARMA)

Madhu Bala

Date: 2014.07.26

11:27:23 IST

COURT MASTER

COURT MASTER

Reason:

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISIDCTION

CIVIL APPEAL Nos. 6695-6696 OF 2014
(@ SPECIAL LEAVE PETITION (C)Nos.13455-13456 OF 2013)

U.O.I. & ANR.

....APPELLANT(S)

VERSUS

O R D E R

Heard learned counsel for the parties.

Leave granted.

The challenge herein is against the common order passed by the High Court of Andhra Pradesh in two Writ Petitions arising out of two different orders of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (hereinafter referred to as the Tribunal). The Respondent herein, who were appointed as ad hoc employees, were terminated leading to the proceedings before the learned Tribunal. The Tribunal passed two contradictory orders, one giving liberty to the Union of India to take necessary steps in terms of Condition No.1 of appointment letter of one sets of employees, i.e. to issue termination orders after giving one month's notice, whereas in the other case, the Tribunal directed to pay one month's salary instead of directing to issue one month's notice.

The High Court by the impugned order passed in two writ petitions upheld the aforesaid orders of the learned Tribunal giving rise to the present proceedings at the instance of the Union of India.

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While it would be correct to contend, as has been done by the appellant-Union of India, that the two contradictory orders need to be resolved by a uniform direction we have taken note of the fact that the employees in both sets of cases were ad hoc employees and had rendered certain periods of service. Presently both sets of employees are out of service in terms of the orders passed by the learned Tribunal as well as the High Court. It is pointed out on behalf of the respondents that though the terminations were effected on the ground that the posts have been abolished the same is not correct inasmuch as the posts continued to remain though under a different nomenclature and the incumbents are continuing in service.

Responding to the aforesaid stand taken on behalf of the respondents learned counsel for the appellant has submitted that at

this juncture question of reinstatement would not arise and instead the Union is willing to consider the award of a lump sum compensation to the respondents.

We are not inclined to go into the question as to whether the posts in question were abolished and if not, whether the same has been filled up in the meantime inasmuch as the materials on record do not enable us to reach any conclusive opinion on the issue. What however cannot be disputed is that the employees concerned were ad hoc employees and by virtue of their ad hoc appointment they can not claim any right of continuity in service. However, taking into account the stand on behalf of the Union that it is ready to offer a reasonable amount in the nature of retrenchment compensation, we

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direct the Union of India to pay a lump sum compensation equivalent to six months salary alongwith interest at the rate of six per cent per annum from the date of the order of the High Court i.e 29.10.2010 till the date of payment which will in any case be within four weeks from the date of receipt of a copy of this order.

The appeals are disposed of in the above terms.

.....J.
[RANJAN GOGOI]

NEW DELHI
21ST JULY, 2014

.....J.
[M.Y. EQBAL]