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OUT TODAY

ITEM NOS.25+44

COURT NO.1

SECTION XI

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

CONTEMPT PETITION (C) NO.73 OF 2013 IN Conmt.Pet.(C)No.347/2010

VIBHA SINGH & ORS. Petitioner(s)

VERSUS

RAMA SINGH & ORS. Respondent(s)

(With appln(s) for exemption from filing O.T.)

WITH

CONTEMPT PETITION (C) NO.75 OF 2013 IN Conmt.Pet.(C)No.65/2012

CONTEMPT PETITION (C) NO.105 OF 2013 IN SLP(C)No.20774/2009

(with appln.(s) for permission to file adl.documents and exemption from filing O.T.)

CONTEMPT PETITION (C) NO.121 OF 2013 IN Conmt.Pet.(C)No.65/2012

CONTEMPT PETITION (C) NO.418 OF 2012 IN SLP(C)No.22732/2009

CONTEMPT PETITION (C) NO.163 OF 2013 IN Conmt.Pet.(C)No.347/2010

In SLP(C)No.20558/2009

CONTEMPT PETITION (C) NO.164 OF 2013 IN Conmt.Pet.(C)No.347/2010

In SLP(C)No.20558/2009

CONTEMPT PETITION (C) NO.165 OF 2013 IN Conmt.Pet.(C)No.65/2012 IN

SLP(C)No.20774/2009

I.A.Nos.1-3 IN Conmt.Pet.(C)No.269 of 2012 In SLP(C)No.20558/2009

(for directions and impleadment and office report)

Conmt.Pet.(C)No.347/2010 In SLP(C)No.20558/2009

(with appln.(s) for permission to file addl. objections and office report)

Date: 29/04/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE VIKRAMAJIT SEN

HON'BLE MR. JUSTICE SHARAD ARVIND BOBDE

For Petitioner(s)

In C.P.105/13

Mr. L.Nageswasra Rao, Sr. Adv.

Mr. Shail Kumar Dwivedi, Adv.

Mr. Gunnam Venkateswara Rao, AOR.

In C.P.75/3 &

165/13

Mr. Huzefa Ahmadi, Sr. Adv.

Mr. Mukesh Verma, Adv.

Mr. Pawan Kumar Shukla, Adv.

Mr. Yash Pal Dhingra, AOR.

In C.P.73/13 &

347/10

Mr. Aseem Chandra, Adv.

Mr. Amit Anand Tiwari, AOR

Mr. Ravi Agrawal, Adv.

Mr. Vivek Singh, Adv.

C.P.269/12

Mr. Chandra Shekhar, Adv.

Mr. Sourabh Upadhyay, Adv.

Dr. S.K. Verma, Adv.

C.P.163/13

Mr. Shree Pal Singh, AOR.

Mr. Rahul Singh, Adv.

Mr. K.Sita Rama Rao, Adv.

C.P.121/13 Mr. Mukesh Verma, Adv.  
Mr. Pawan Kumar Shukla, Adv.  
Mr. Yash Pal Dhingra, Adv.  
  
Mr. Rajiv Ranjan Dwivedi, AOR.  
Mr. Sanjay Kumar Dubey, Adv.

IA 58 & 69 of 2012 Mohd. Adeel Siddiqui, Adv.  
In C.P. 347/10

C.P.418/12 Mr. Sanjay Mani Tripathi, Adv.  
Mr. Kamal Kant Tripathi, Adv.  
Ms. Anu Gupta, Adv.  
  
Mr. K.L. Janjani, AOR

in C.P.347/10 Mr. Mukesh K.Giri, AOR  
Mr. Rachit Mittal, Adv.

For Respondent(s)  
  
Dr. S.K. Verma, AOR  
  
Mr. Abhish Kumar, AOR  
  
Mr. Santosh Kumar Tripathi, AOR  
  
Mr. C.L. Sahu, AOR  
  
Mr. Vipin Kumar Jai, AOR

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

1. All these matters, which arise out the judgment and order passed by this Court on 3rd August, 2010, have a common complaint to the effect that the directions contained in the said judgment regarding appointment of Pharmacists in the State of U.P. in the manner indicated, has not been worked out correctly by the alleged contemnors/opposite parties.

2. In the said judgment, the Special Leave Petitions had been disposed of with the observation that the petitioners therein would be entitled to the same benefits as those Diploma holders governed by the 1980 Rules, having obtained their Diplomas in Pharmacy prior to 1998. Subsequently, however, the said Order was modified to the extent that the benefits were directed to be provided to all those Pharmacists , who had obtained their diploma in Pharmacy prior to 2002.

3. As indicated hereinabove, the common complaint in all these contempt petitions is that despite vacancies being available, the same are not being filled up in terms of the directions given in the said judgment of this Court.

4. On the last occasion, when the matter was taken up, the learned AAG of U.P., Mr. Irshad Ahmad, had indicated that 553 vacancies were available at that point of time and, accordingly, had directed the same to be filled up. According to Mr. Ahmad, upto 1999, 141 vacancies were left to be accommodated on account of the fact that the some of the eligible candidates had not reported for appointment in the vacant posts.

5. When the matter was taken up on 15th April, 2013, on account of the differences relating to the number of vacancies available, we had allowed the State of U.P. to fill up 553 vacancies out of the 695 applicants with the stipulation that the remaining number would be accommodated in the succeeding years. In the said Order, this Court had also indicated that the other objections with regard to the additional affidavit filed by Shri B.S. Arora, Director, Medical Health Services, U.P., regarding the number of vacancies available would be taken up on a subsequent date.

6. The matters have, therefore, been listed today on the basis of the said directions.

7. On behalf of the petitioners in the several contempt petitions and the applicants in the applications filed therein, Mr. L.Nageshwar Rao, learned senior counsel, supported by Mr. Huzefa Ahmadi, submitted that according to the calculations that they had made, over 2000 vacancies were still available. Such a chart has been filed by way of an additional affidavit on behalf of the petitioners in Contempt Petition No.105 of 2013. From the said chart, it appears that the total vacant posts as on today would be approximately 2246. The said figure is vehemently objected to by Mr. Irshad Ahmad, learned AAG, appearing for the State of U.P.

8. Since, it is not possible for us to decide the said dispute, we dispose of these petitions/applications for interim directions, by directing the Law Secretary in the State Government to consider the number of vacancies that may be available as against the number of candidates still to be accommodated upto the year 2002. While doing so, he should take into consideration the claims made by Mr. Donesh Rajput & Ors., (and in the matter of Uday Pratap Singh, applicant) the applicants in contempt petition No.269 of 2012, the claims of Shri Sachin Agarwal, the applicant/petitioner in Contempt Petition No.75 of 2013 in Contempt Petition No.65 of 2012, the claims of Harit Kumar Dwivedi & Ors., the applicants in Contempt Petition No.347 of 2010 and Ravi Kant Dwivedi & Ors., the applicants in Contempt Petition No.165 of 2013 in Contempt Petition No.65 of 2012 in SLP(C)No.20774 of 2009.

9. In order to facilitate the hearing, before the Law Secretary, the applicants in the above-mentioned matters, shall meet the Law Secretary to fix a time when the disputes can be taken up for resolution.

10. Once a determination is made by the Law Secretary of the State, the State will, thereafter, act thereupon to fill up the vacancies, as may be declared.

11. Pending the hearing and disposal of these matters, the vacancies which may have arisen, in the meantime, may be filled up in the manner indicated in the judgment of this Court dated 3rd August, 2010.

12. The petitions/applications are disposed of, accordingly.

|(Sheetal Dhingra)

| |(Juginder Kaur)

|AR-cum-PS

| |Assistant Registrar

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