

SECTION XVI

LISTED ON:12.2.2016

COURT NO.: 4

ITEM NO. : 14

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
INTERLOCOUTORY APPLICATION NO.2

(Application for direction)

IN

PETITION FOR SPECIAL LEAVE TO APPEAL(C) NO. 10396 of 2013

(With prayer for interim-relief)

UNION OF INDIA & ORS.

...Petitioners

Versus

ASHISH KUMAR MUKHERJEE & ANR.

....Respondents

OFFICE REPORT

The Special Leave Petition was listed before the Hon'ble Court on 11.8.2014 when the Court was pleased to pass the following order

"Heard Mr. Neeraj Kaul, learned ASG for Union of India and Mr. Ranjan Mukherjee, learned counsel for the respondents. It is contended by Mr. Kaul that the High Court should not have issued a direction for appointment of the respondent on compassionate ground. Mr. Mukherjee, per contra, would contend that the High Court has directed such appointment with a qualifier that as and when the next vacancy commensurate with the qualification of respondent no.1 arises.

Be that as it may, whether in such circumstances the High Court can issue a direction for grant of appointment of compassionate basis or not need not be adverted to inasmuch as the reasons given by the Department in holding that the respondent is not an indigent person, leaves us unimpressed. Needless to say, the directions of the High Court shall be subject to availability of vacancy in the order of eligibility among the applicants who are waiting for the compassionate appointment.

With the aforesaid modification in the order of the High Court, the special leave petition stands disposed of."

It is submitted that Mrs. Sarla Chandra, Advocate has on 16.12.2015 filed an application for directions on behalf of respondents and the same has been Regd. as I.A. No.2

The application above-mentioned is listed before the Hon'ble Court with this Office Report.

Dated this the 11th day of February, 2016.

ASSISTANT REGISTRAR

Copy to: Mr. D.S. Mahra, Advocate
Mrs. Sarla Chandra, Advocate

ASSISTANT REGISTRAR