

ITEM NO.53

COURT NO.6

SECTION XVI

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

I N D I A

Petition(s) for Special Leave to Appeal (C)

No(s). 10396/201

(Arising out of impugned final judgment and order dated 10/07/2012
in WPC No. 165/2012 passed by the High Court Of Calcutta)

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

ASHISH KUMAR MUKHERJEE AND ANR.

Respondent(s)

(With interim relief and office report)

Date : 11/08/2014 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE V. GOPALA GOWDAFor Petitioner(s) Mr. Neeraj K. Kaul, Adv.
Ms. Shweta Garg, Adv.
Mr. D. S. Mahra, Adv.
Mr. R.S. Nagar, Adv.For Respondent(s) Mr. Ranjan Mukherjee, Adv.
Mr. B.P. Yadav, Adv.
Mrs Sarla Chandra, Adv.UPON hearing the counsel the Court made the following
O R D E R

the
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Heard Mr. Neeraj Kaul, learned ASG for Union of India
and Mr. Ranjan Mukherjee, learned counsel for
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

Signature Not Verified

Digitally signed by
Naveen Kumar
of

Date: 2014.08.13

16:54:01 IST

Reason:

such appointment with a qualifier that as and when the
next vacancy commensurate with the qualification

respondent no.1 arises.

Be that as it may, whether in such circumstances the
High Court can issue a direction for grant of appointment

2

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.

(NAVEEN KUMAR)
COURT MASTER

(RENUKA SADANA)
COURT MASTER