

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9830 OF 2011

K. KRISHNA REDDY

... Appellant

VERSUS

A.P. COOPERATIVE OIL SEEDS

GROWERS FEDERATION LTD. AND OTHERS

... Respondents

WITH

CIVIL APPEAL NO. 9831 OF 2011

CIVIL APPEAL NO. 9832 OF 2011

O R D E R

We have heard learned counsel for the parties at length.

It is not necessary to record the facts of the case and the issue involved, in detail. Suffice is to mention that a number of writ petitions were filed in the High Court by various persons and all these writ petitions were decided by a common judgment by learned Single Judge of the High Court dismissing those writ petitions. The writ petitioners filed intra-court appeals. It appears that some of those intra-court appeals preferred before the Division Bench of the High Court were decided by one common judgment. That judgment became the subject matter of the appeals filed in this Court and have been decided by this Court in 'A.P.

Cooperative Oil Seeds Growers Federation Limited, Hyderabad, Andhra Pradesh v. D. Achyuta Rao and others' [2007 (13) SCC 320].

Insofar as the present appellants are concerned, their appeals have been decided by the High Court vide impugned judgment dated 14.09.2005. From the reading of the said judgment, it transpires that before the Division Bench, the Government had given certain suggestions and the court ultimately disposed of the writ appeals accepting those suggestions with slight modification in respect of Suggestion No. 3.

It is the submission of Mr. V. V. S. Rao, learned senior counsel appearing for the petitioner, had the cases of these appellants been tagged with the earlier batch of appeals before the Division Bench, their cases also would have been covered by the judgment pronounced in *D. Achyuta Rao's* case (supra).

We found that the issue involved in the batch of appeals decided by this Court in *D. Achyuta Rao's* case (supra) pertained to seniority and promotion and in the present case, the issue pertains to Voluntary Retirement Scheme (VRS). However, both the issues had arisen in the same background. In the earlier case decided by this Court, where the issue of seniority and promotion was there, the question was as to whether seniority is to be counted from

the date of appointment on regular basis or from the date of promotion. The Court held that it has to be from the date of regular appointment and not from the date of promotion. In paragraph 58, this Court made it clear that the seniority must be determined by reference to the date of initial appointment and not by reference to dates of promotion granted in the unions unguided by rules framed or norms declared.

In the present case, VRS is given keeping in view the date of regular appointment. Mr. V.V.S. Rao, learned senior counsel appearing for the appellant, however, wants that it should be determined with reference to the date of initial appointment for the purposes of VRS. To put it otherwise, plea is to take into consideration and count the earlier period when the appellants were working on adhoc or Nominal Muster Roll (NMR) basis. It is difficult to accept such a plea. The judgment in *D. Achyuta Rao's* case (supra) does not lay down any such law. Even on first principles, it is not possible to accept the submission of Mr. Rao that seniority should count from the date of initial appointment.

As a result, these appeals are dismissed.

....., J.
[A.K. SIKRI]

New Delhi;
August 31, 2015.

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

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

Civil Appeal No. 9830/2011

K. KRISHNA REDDY

Appellant(s)

VERSUS

A.P. COOP. OIL SEEDS G.FED.LTD. & ORS.

Respondent(s)

(With office report)
(For final disposal)

WITH

C.A. No. 9831/2011
(With Office Report)

C.A. No. 9832/2011
(With Office Report)

Date : 31/08/2015 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Appellant(s) Mr. V. V. S. Rao, Sr. Adv.
 Mr. S. Udaya Kumar Sagar, Adv.
 Ms. Bina Madhavan, Adv.
 Mr. T. Sudhakar Reddy, Adv.
 Ms. Vijayshree Pattnaik, Adv.
 Mr. Lakshpuri, Adv.
 M/s. Lawyer S Knit & Co.

For Respondent(s) Mr. T. V. Ratnam, Adv.
 Mr. Sankara Kausik, Adv.

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

The appeals are dismissed in terms of the signed order.

(Nidhi Ahuja)
COURT MASTER

(Renu Diwan)
COURT MASTER

[Signed order is placed on the file.]