

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

I.A.NO.6 IN WRIT PETITION (CIVIL) NO. 385 OF 2010

VIMAL KUMAR & ANR Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)  
(With appln. for directions and office report)

Date: 14/02/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. GOKHALE  
HON'BLE MR. JUSTICE DIPAK MISRA

For Petitioner(s) Mr. Sibho Sankar Mishra, Adv.  
Mr. Adbhut Pathak, Adv.

For Respondent(s)

For impleading party: Mr. Sajith P., Adv.  
Mr. M.P.D. Baby John, Adv.

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

(1) Heard Mr. Sibho Shankar Mishra learned counsel in support of this application.

(2) What we find in this matter is that one order on the controversy concerning the scheme of integration of three categories of employer in Customs and Excise Department was passed by a bench presided over by Hon'ble Mr. Justice D.K. Jain and Hon'ble Mr. Justice Asok Kumar Ganguly on 3rd August, 2011 whereby the Civil Appeal No.1198 of 2005 and W.P.(C).No.385/2010 were disposed of.

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(3) Subsequently, another application was moved for clarification before the bench presided over by Hon'ble Mr. Justice D.K. Jain and that was rejected on 30th March, 2012. Then third application was moved and that came before the bench presided over by one of us (Gokhale,J) and Hon'ble Mr. Justice Madan Lokur on 11th July, 2013 and an appropriate order on the same lines was passed after referring to the earlier orders.

(4) It appears that the Government itself moved another SLP which came before the bench presided over by Hon'ble Mr. Justice T.S. Thakur and Hon'ble Mr. Justice Vikramjit Sen on 21.08.2013 where the earlier orders do not appear to have been brought to the notice of that Bench and a different order was passed. The applicant is now seeking two promotions based on the order dated 21.08.2013. Therefore, in our view, it will be advisable to place this I.A. before the bench presided over by Hon'ble Mr. Justice T.S. Thakur. The Registry may take necessary orders from Hon'ble the Chief Justice and place the matter accordingly.

[Usha Bhardwaj]  
A.R-cum-P.S.

[Sneh Lata Sharma]  
Court Master