

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

CIVIL APPEAL NO(s). 7773 OF 2009

UNION OF INDIA & ANR.

Appellant (s)

VERSUS

M.NALLAVAN

Respondent(s)

(With appln(s) for directions,impleadment)

WITH Civil Appeal NO. 7780 of 2009

(With appl.(s) for bringing on record the Lrs. Of deceased respondent)

Civil Appeal NO. 7781 of 2009

Civil Appeal NO. 7782 of 2009

Civil Appeal NO. 7783 of 2009

Civil Appeal NO. 7784 of 2009

Civil Appeal NO. 7785 of 2009

Civil Appeal NO. 7786 of 2009

Civil Appeal NO. 7787 of 2009

(With appln.(s) for C/delay in filing SLP)

Civil Appeal NO. 7788 of 2009

(With appln.(s) for C/delay in filing SLP)

Civil Appeal NO. 7789 of 2009

(With appln.(s) for C/delay in filing SLP)

Civil Appeal NO. 7790 of 2009

(With appln.(s) for C/delay in filing SLP)

Civil Appeal NO. 7791 of 2009

(With appln.(s) for C/delay in filing SLP)

Civil Appeal NO. 7792 of 2009

(With appln.(s) for C/delay in filing SLP)

Civil Appeal NO. 7793 of 2009

(With appln.(s) for C/delay in filing SLP)

Civil Appeal NO. 7794 of 2009

(With appln.(s) for C/delay in filing SLP)

...2/-

Civil Appeal NO. 7795 of 2009

(With appln.(s) for C/delay in filing SLP)

Civil Appeal NO. 7796 of 2009

(With appln.(s) for C/delay in filing SLP)

Civil Appeal NO. 7797 of 2009

(With appln.(s) for C/delay in filing SLP)

Civil Appeal NO. 7798 of 2009  
(With appln.(s) for C/delay in filing SLP)

Civil Appeal NO. 7799 of 2009  
(With appln.(s) for C/delay in filing SLP)

Civil Appeal NO. 7800 of 2009  
(With appln.(s) for C/delay in filing SLP)

Civil Appeal NO. 7801 of 2009  
(With appln.(s) for C/delay in filing SLP)

Civil Appeal NO. 7802 of 2009  
(With appln.(s) for C/delay in filing SLP)

Civil Appeal NO. 7803 of 2009  
(With appln.(s) for C/delay in filing SLP)

Civil Appeal NO. 7774 of 2009  
(With appln.(s) for C/delay in filing SLP)

Civil Appeal NO. 7775 of 2009  
(With appln.(s) for C/delay in filing SLP)

Civil Appeal NO. 7776 of 2009  
(With appln.(s) for C/delay in filing SLP)

Civil Appeal NO. 7777 of 2009  
(With appln.(s) for C/delay in filing SLP)

Civil Appeal NO. 7778 of 2009  
(With appln.(s) for C/delay in filing SLP)

Civil Appeal NO. 7779 of 2009  
(With appln.(s) for C/delay in filing SLP)

Civil Appeal NO. 5131 of 2005

Date: 30/07/2010 These Appeals were called on for hearing today.  
CORAM :

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY  
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

...3/-

-3-

For Appellant(s)

Mr. S. Wasim A. Qadri, Adv.  
Mr. Subhash Kaushik, Adv.  
Mr. Aman Ahluwalia, Adv.  
Mr. D.S. Mahra, Adv.

Mr. Shreekant N. Terdal, Adv.

Mr. B.V. Balaram Das, Adv.

For Respondent(s)

Mr. P.S. Narsimha, Sr. Adv.  
Mr. B. Ragunath, Adv.  
Mr. Parameshwar, Adv.  
Mr. Vijay Kumar, Adv.

Mr. V. Balaji, Adv.  
Mr. Pravesh Thakur, Adv.  
Mr. B.K. Pal, Adv.  
Mr. C. Kanna, Adv.

Mr. Dharam Bir Raj Vohra, Adv.

Mrs.K. Sarada Devi, Adv.

Mr. K.V. Vijayakumar, Adv.

Mr. S. Beno Bencigar, adv.  
Mr. M.A.Chinnasamy, Adv.

Mr. K.L. Janjani, Adv.

UPON being mentioned, the Court made the following  
O R D E R

Civil Appeal No.5131 of 2005 arising out of  
SLP(C) No.19587 of 2003 is delinked from other matters.

The remaining appeals are disposed of in terms of  
the signed order.

(Sukhbir Paul Kaur)  
Court Master

(J.P. Sharma)  
Court Master

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7773 OF 2009

UNION OF INDIA & ANR.

...APPELLANTS

VERSUS

M. NALLAVAN

...RESPONDENT

WITH

CIVIL APPEAL NO. 7780 OF 2009, CIVIL APPEAL NO. 7781 OF  
2009, CIVIL APPEAL NO. 7782 OF 2009, CIVIL APPEAL NO. 7783  
OF 2009, CIVIL APPEAL NO. 7784 OF 2009, CIVIL APPEAL NO.  
7785 OF 2009, CIVIL APPEAL NO. 7786 OF 2009, CIVIL APPEAL  
NO. 7787 OF 2009, CIVIL APPEAL NO. 7788 OF 2009, CIVIL  
APPEAL NO. 7789 OF 2009, CIVIL APPEAL NO. 7790 OF 2009,  
CIVIL APPEAL NO. 7791 OF 2009, CIVIL APPEAL NO. 7792 OF  
2009, CIVIL APPEAL NO. 7793 OF 2009, CIVIL APPEAL NO. 7794  
OF 2009, CIVIL APPEAL NO. 7795 OF 2009, CIVIL APPEAL NO.  
7796 OF 2009, CIVIL APPEAL NO. 7797 OF 2009, CIVIL APPEAL  
NO. 7798 OF 2009, CIVIL APPEAL NO. 7799 OF 2009, CIVIL  
APPEAL NO. 7800 OF 2009, CIVIL APPEAL NO. 7801 OF 2009,  
CIVIL APPEAL NO. 7802 OF 2009, CIVIL APPEAL NO. 7803 OF  
2009, CIVIL APPEAL NO. 7774 OF 2009, CIVIL APPEAL NO. 7775  
OF 2009, CIVIL APPEAL NO. 7776 OF 2009, CIVIL APPEAL NO.  
7777 OF 2009, CIVIL APPEAL NO. 7778 OF 2009, CIVIL APPEAL  
NO. 7779 OF 2009

O R D E R

We have heard learned counsel for the parties.

During the course of hearing of this batch of  
appeals, the appellants represented by the Director

(Staff), Ministry of Communication & I.T., Department of

...2/-

-2-

Posts filed an additional affidavit which may put an end to the controversy between the parties. In fact, the said additional affidavit has been filed pursuant to certain observations made by this Court while hearing the appeals. It is evident from the affidavit that the entire matter was reconsidered by the Department and upon such reexamination based on humanitarian considerations, found that out of 204 respondents in all 202 respondents working in the Department against short term/leave vacancies can be accommodated against compassionate appointment vacancies for the years 2000-01 to 2009 as per the departmental guidelines. However, in the case of Postal Assistants (PA) and Sorting Assistants (SA) cadre, according to the Ministry, the number of vacancies is not enough to accommodate all of them in the cadre. It is stated that the number of vacancies earmarked for this period is only 113 whereas the number of respondents claiming the relief is 152. However, it is stated that as a one time measure, the Department is willing to accommodate them against residual vacancies of the Department. The statement made in the affidavit is made part of the record directing the respondents to act upon the same.

In the circumstances, the appellants are directed to regularize the services of all the 202 respondents who are working in the Department against short term/leave vacancies with effect from their date of appointment.

...3/-

-3-

However, the respondents shall not be entitled for payment of any arrears on account of such regularization. But their pay and pensionary benefits are protected.

In view of this order, it is made clear that the findings recorded by the Tribunal and as well as the High

Court with regard to the interpretation of the provisions of

memorandums and circulars of the Department are set aside and those findings and observations shall not be treated as precedent for the purpose of any other case or cases that may be pending.

The questions of law, if any, are left open.

The appeals are accordingly disposed of without any order as to costs.

The interlocutory applications are accordingly allowed.

.....J.

.....  
(B. SUDERSHAN REDDY)

NEW DELHI,  
.....J.  
July 30, 2010

.....  
(SURINDER SINGH NIJJAR)