

ITEM NO.1B

COURT NO.1

SECTION XVI

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). 3595-3612 OF 1999

SECY., STATE OF KARNATAKA & ORS

Appellant (s)

VERSUS

UMADEVI & ORS

Respondent(s)

(With appln(s) for permission to submit additional document(s)

and impleading party and bringing LRs on record and office report)

WITH

Civil Appeal Nos. 1861-2063 of 2001

(With appln(s) for directions and with prayer for interim relief and office report),

Civil Appeal No. 3849/2001,

S.L.P.(C) Nos. 9103-9105/2001(With prayer for interim relief),

Civil Appeal Nos. 3520-3524/2002

Date: 28/10/2005 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE ARUN KUMAR

HON'BLE MR. JUSTICE G.P. MATHUR

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Appellant(s)/

Petitioner(s)

in CA 3595-3612/99,

Mr. Mukul Rohatgi, Sr. Adv.

3849/01, SLP 9103-9105/01, Mr. Saurabh Kirpal, Adv.

CA 3520-3524/02

Mr. Anil K. Mishra, Adv.

Mr. A. Rohan Singh, Adv.

Mr. Sanjay R. Hegde, Adv

in CA 1861-2063/01

Mr. M.C. Bhandare, Sr. Adv.

Mr. Mohan V. Katarki, Adv.

Mr. Ashok Kumar Sharma, Adv.

For Respondent(s)

in CA 3595-3612/99

Mr. Raju Ramachandaran, Sr. Adv.

Ms. Anitha Shenoy, Adv.

Mr. Ranganath Jois, Adv.

Mr. Arvind Kamath, Adv.

Mr. Mayank Mishra, Adv.

Mr. Saurabh Sinha, Adv.

Mr. Naveen R. Nath, Adv.

Ms. Lalit Mohini Bhat, Adv.

Ms. Hetu Arora, Adv.

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For impleading Party

Mr. Raj Kumar Gupta, Adv.

in CA 3595-3612/99

Mr. S.K. Gupta, Adv.

Mr. Bhanu Pratap Gupta, Adv.

Mr. B.Trigunagat, Adv.

Mr. A.N. Bardiya, Adv.

in CA 1861-2063/01,

Mr. Mukul Rohatgi, Sr. Adv.

Mr. Saurabh Kirpal, Adv.

Mr. Sanjay R. Hegde, Adv.

Mr. Anil K. Mishra, Adv.

Mr. A. Rohen Singh, Adv.

in CA 3849/01

Mr. Raju Ramachandaran, Sr. Adv.

Ms. Anitha Shenoy, Adv.

Mr. Joseph Pookkatt, Adv.

Mr. Ranganath Jois, Adv.

Mr. Arvind Kamath, Adv.

Mr. Mayank Mishra, Adv.

Mr. Saurabh Sinha, Adv.
Mr. Nikhil Majithia, Adv.
Ms. Pooja Dhar, Adv.
Mr. Prashant Kumar, Adv.

in SLP 9103-9105/01,

Mr. Rajesh Mahale, Adv.

Mr. S. Manjunath, Adv.

in CA 3520-3524/02,

Mr. Bhasava Prabhu S Patil, Adv.

Mr. V Laxminarayan, Adv.

Mr. Kashi Vishweshwar, Adv.

Mr. B Subrahmanya Prasad, Adv.

Mr. A.S. Bhasme, Adv.

UPON hearing counsel the Court made the following

O R D E R

There are questions relating to service jurisprudence calling for a more detailed

hearing in view of the far reaching implications and ramifications. Some of the issues are as

under:-

1. Under the constitutional scheme should not proper selection and appointment be insisted upon and is it proper to recognize employments outside it as valid for the purpose of making them permanent and would it not amount subverting the constitutional scheme? Will it not amount to introducing a mode of appointment not recognized by the said scheme?

2. What is the distinction between regularization and confirmation or

permanence in service jurisdiction?

3. Can the Court in exercise of its writ jurisdiction direct regularization or

absorption in service though there are no posts or vacancies available for

being filled up?

4. To what extent the appointments made de hors the service rules or in breach

of statutory provisions contained in the Act or Rules can be recognized by the

Courts and accorded judicial approval?

Let these matters be posted for hearing afresh on the above issues and such

other related issues as may arise for consideration during the course of hearing.

(AJAY KR. JAIN)

(RADHA R. BHATIA)

COURT MASTER

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