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C.A.No. 3595-3612 OF 1999

ITEM No.101

Court No. 1

SECTION IVA

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

Civil Appeal Nos. 3595-3612 of 1999

Secretary, State of Karnataka and Ors.Appellant (s)

VERSUS

Umadevi and Ors.Respondent (s)

(With appln. for permission to submit addl. documents and office report)

With

C.A. Nos. 1861-2063 of 2001

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

C.A. No. 3849 of 2001

S.L.P.(C) Nos. 9103-9105 of 2001

(With prayer for interim relief)

S.L.P.(C) Nos. 2029-2047 of 2002

(With appln. for c/delay in filing SLP)

S.L.P.(C) No. 8436 of 2002

(With appln. for c/delay in filing SLP and office report)

C.A. Nos. 3520-3524 of 2002

S.L.P.(C) Nos. 12913-12916 of 2002

(With appln. for c/delay in filing SLP and office report)

C.A. No. 3956 of 2001

C.A. Nos. 3914-3922 of 2003

S.L.P.(C)...CC 109-498 of 2003

(With office report)

Date : 18-11-2003 These appeals were mcalled on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE DR. JUSTICE AR. LAKSHMANAN

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For State of KarnatakaMr. Mukul Rohtagi, ASG
Mr. Sanjay R. Hegde, Adv.
Mr. Saurabh Kirpal, Adv.
Mr. Anil K. Misra, Adv.

For Appellant (s)/
Petitioner (s)
in CA 1861-2063 and Mr. M.C. Bhandare, Sr. Adv.
SLP 12913-16 Mr. Mohan V. Katarki, Adv.
Mr. Ashok Kumar Sharma, Adv.

in CA 3956 Mr. S.N. Bhat, Adv.

For Respondent (s) Mr. S.R. Bhat, Adv.
Mr. Naveen R. Nath, Adv.
Mr. Rangnath Jois, Adv.

Mr. Prashant Kumar, Adv.
Mr. Joseph Pookkatt, Adv.

Mr. Rajesh Mahale, Adv.

Mr. P.P. Singh, Adv.

Mr. V. Lakshmi Narayan, Adv.
Mr. Kashi Vishweshwar, Adv.
Mr. G.R.K. Prasad, Adv.

Mr. Basava Prabhu S. Patil, Adv.
Mr. Ajit S. Bhasme, Adv.
Mr. Shivaprabhu S. Hiremath, Adv.
Mr. B. Subrahmanya Prasad, Adv.
Mr. Mohd. Rishal S., Adv.

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

Apart from the conflicting opinions between three Judges' Bench decisions in Ashwani Kumar and Ors. Vs. State of Bihar and Ors., reported in 1997 (2) SCC 1, State of Haryana and Ors. Vs. Piyara Singh and Ors., reported in 1992 (4) SCC 118 and Dharwad Distt. P.W.D. Literate Daily Wage Employees Association and Ors. Vs. State of Karnataka and

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Ors., reported in 1990 (2) SCC 396, on the one hand and State of Himachal Pradesh Vs. Suresh Kumar Verma and Anr., reported in AIR 1996 SC 1565, State of Punjab Vs. Surinder Kumar and Ors., reported in AIR 1992 SC 1593 and B.N. Nagarajan and Ors. Vs. State of Karnataka and Ors., reported in 1979 (4) SCC 507 on the other, which has been brought out in one of the judgments under appeal of Karnataka High Court in State of Karnataka Vs. H. Ganesh Rao, decided on 1.6.2001, reported in 2001 (4) Karnataka Law Journal 466, learned Additional Solicitor General urged that the scheme for regularisation is repugnant to Articles 16(4), 309, 320 and 335 of the Constitution of India and, therefore, these cases are required to be heard by a Bench of five learned Judges (Constitution Bench).

On the other hand, Mr. M.C. Bhandare, learned senior counsel, appearing for the employees urged that such a scheme for regularisation is consistent with the provisions of Articles 14 and 21 of the Constitution.

Mr. V. Lakshmi Narayan, learned counsel appearing in CC Nos. 109-498 of 2003, has filed the G.O. dated 19.7.2002 and submitted that orders have already been implemented.

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After having found that there is conflict of opinion between three Judges Bench decisions of this Court, we are of the view that these cases are required to be heard by a Bench of five learned Judges.

Let these matters be placed before the Hon'ble the Chief Justice for appropriate orders.

[Alka Dudeja] [Janki Bhatia]
Court Master Court Master

