

ü(
C.A.No. 5046 OF 1999

ITEM No.118

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. 5046 of 1999

Dibyendu Narain Dutta & Ors.

...Appellant(s)

vs.

UOI & Ors.

...Respondent(s)

(with office report)

with

C.A. No. 5047/1999 (with office report),
C.A. Nos. 5048-5049/1999 (with office report) (with appln.(s) for praying for exemption from effecting service of notice of lodgment of petition of appeals) and
C.A. Nos. 8088-8089/1995 (with IA 3A-4A for bringing on record the events subsequent to the filing of the SLP, IA 7-8 for bringing on record the Lrs of deceased respondent Nos. 18,40 & 70 in CA 8088/1995 and respondent Nos. 22, 25, 29 & 34 in CA 8089/1995 and setting aside abatement, IA 9-10 for c/delay in filing substitution and IA 11-12 for deletion of the name of proposed LR No. 22(i) of deceased respondent No. 22 in CA 8089/1995 and with office report).

Date: 31/03/2004 This/These matter(s) was/were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE S.H. KAPADIA

For Appellant (s)
in CA 5046Mr. Dipankar P Gupta, Sr. Adv.
Mr. K C Dua, Adv.

in CA 5047Mr. Janaranjan Das, Adv.
Mr. Swetaketu Mishra, Adv.

in CA 5048-49Mr. Dipankar P Gupta, Sr. Adv.
Mr. Jaideep Gupta, Sr. Adv.
Mr. G S Chatterjee, Adv.

in CA 8088-89Mr. Mukul Rohtagi, ASG (NP on 1.4.04)
Mr. Ajay Sharma, Adv.
Ms. Sushma Suri, Adv.
Mr. B V Balram, Das, Adv.(NP)

For Respondent (s)
in CA 5046, 5047,
5048-49Mr. Mukul Rohtagi, ASG (NP on 1.4.04)
Mr. Ajay Sharma, Adv.
Ms. Sushma Suri, Adv.
Mr. Arvind Kumar Sharma, Adv. (NP)
Mr. B V Balram Das, Adv. (NP)
Mr. Shail Kumar Dwivedi, Adv. (NP)

in CA 5047Mr. V K Monga, Adv.(NP)

in CA 8088-89Mr. R P Bhat, Sr. Adv.
Mr. T G Narayanan Nair, Adv.

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

Mr. Dipankar P Gupta, learned senior counsel commenced his arguments at 2.30 P.M. and was on his legs when the Court took up mentioning matters for hearing.

The matters remained part-heard.

(D.P. WALIA) (JANKI BHATIA)
COURT MASTER COURT MASTER

ITEM NO. 101COURT NO. 1 DATE: 1.4.2004
(PART-HEARD)

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

Heard counsel for the parties till 11 A.M.

C.A. Nos. 5046/99, 5047/99 and 5048-5049/99

The appeals are dismissed with the observations made in and in terms of the signed order. There shall be no order as to costs.

C.A. Nos. 8088-8089/95

I.A. Nos. 3A-4A and 7 to 12 are allowed.

The appeals are allowed in terms of the signed order. There shall be no order as to costs.

(D.P. WALIA) (JANKI BHATIA)
COURT MASTER COURT MASTER

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5046 OF 1999

Dibyendu Narain Dutta & Ors.... Appellants.

vs.

Union of India & Ors.... Respondents.

(with Civil Appeal Nos. 5047/1999 and 5048-5049/1999)

AND

Union of India & Anr.... Appellants.

vs.

H.R. Roy & Ors. Etc. Etc. ... Respondents.

O R D E R

C.A. Nos. 5046/99, 5047/99 and 5048-5049/1999

We are satisfied that the Central Administrative Tribunal acted within its parameters in reviewing the original order on the ground that the relevant rules of the year 1979 were not brought to its notice earlier. However, it is true that in reply to the review petition filed by the Union of India the appellants herein challenged the validity of 1979 Rules. This aspect of the matter was neither gone into nor could have been gone into by the Tribunal. We, therefore, give liberty to the appellants herein to challenge the legality and validity of 1979 Rules by a separate petition, if they are so advised. If any amount has already been paid to the appellants herein, the same shall not be recovered from them. With the aforesaid observations, these appeals are dismissed. There shall be no order as to costs.

C.A. Nos. 8088-8089/1995

In view of the above order made in C.A. No. 5046/1999 etc., these appeals deserve to be allowed. We order accordingly. The order under challenge is set aside. However, it will be open to the respondents to challenge the legality and validity of the Rules by a separate petition, if they are so advised. If any amount has already been paid to the respondents in pursuance of

the judgment under challenge, the same shall not be recovered from them. Appeal is accordingly allowed. There shall be no order as to costs

.....CJI(V.N.Khare)

.....J
(S.B. Sinha)

.....J
(S.H. Kapadia)

New Delhi;
April 1, 2004.