

Item No.8.1

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.989 OF 2019
(Arising out of SLP(C) No.7148 of 2015)

H.P. STATE ELECTRICITY BOARD LIMITED & ANR.

APPELLANT(s)

VERSUS

BHANU PRAKASH

RESPONDENT(s)

O R D E R

Leave granted.

The present appeal, it is common ground between learned counsel appearing on behalf of the appellants and learned counsel for the respondent, would be governed by the decision delivered today in State of Himachal Pradesh Vs. Shashi Kumar¹ .

In that view of the matter, the impugned judgment of the High Court is quashed and set aside.

We direct the appellants to consider the application for compassionate appointment in accordance with law in terms of the policy as applicable, preferably within a period of three months and to communicate a reasoned order to the respondent.

¹ [Civil Appeal arising out of SLP(C)No.7079 of 2016]

The appeal is accordingly allowed. No costs.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI
JANUARY 16, 2019

Item No.8.2

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.990 OF 2019
(Arising out of SLP(C) No.18105 of 2015)

STATE OF HIMACHAL PRADESH AND ORS.

APPELLANT(s)

VERSUS

ROHIT SHARMA

RESPONDENT(s)

O R D E R

Leave granted.

This appeal has been listed together with a batch of cases. In the lead matter, State of Himachal Pradesh Vs. Shashi Kumar², judgment has been delivered today.

In the present case, the High Court directed reconsideration of the application for compassionate appointment by disregarding the family pension received by the dependents of the deceased employee.

In view of the decision which has been delivered in Shashi Kumar, the appeal will have to be allowed. The appeal is accordingly allowed and the impugned judgment and order of the High Court is set aside. No costs.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI
JANUARY 16, 2019

² [Civil Appeal arising out of SLP(C)No.7079 of 2016]

Item No.8.3IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL NO.991 OF 2019
(Arising out of SLP(C) No.18106 of 2015)

STATE OF HIMACHAL PRADESH AND ORS.

APPELLANT(s)

VERSUS

HARINDER KUMAR

RESPONDENT(s)

O R D E R

Leave granted.

The High Court, by the impugned judgment, directed the appellants to reconsider the case of the respondent for compassionate appointment disregarding the pensionary benefits received by the family of the deceased employee.

While reconsidering the application, the State shall follow the judgment delivered today in State of Himachal Pradesh Vs. Shashi Kumar³.

We direct the appellants to reconsider the application for compassionate appointment in terms of the above judgment and to communicate a reasoned order within a period of three months from today.

³ [Civil Appeal arising out of SLP(C)No.7079 of 2016]

The appeal is disposed of accordingly. No costs.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI
JANUARY 16, 2019

Item No.8.4IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL NO.994 OF 2019
(Arising out of SLP(C) No.18111 of 2015)

STATE OF HIMACHAL PRADESH AND ORS.

APPELLANT(s)

VERSUS

VIPAN NEGI

RESPONDENT(s)

O R D E R

Leave granted.

The High Court, by the impugned judgment, directed the appellants to reconsider the case of the respondent for compassionate appointment disregarding the pensionary benefits received by the family of the deceased employee.

While reconsidering the application, the State shall follow the judgment delivered today in State of Himachal Pradesh Vs. Shashi Kumar⁴.

We direct the appellants to reconsider the application for compassionate appointment submitted by the respondent in terms of the above judgment and to communicate a reasoned order within a period of three months from today. The appellants shall verify and give due regard to the certificate of income annexed at

⁴ [Civil Appeal arising out of SLP(C)No.7079 of 2016]

Annexure P-2 to the appeal and all relevant facts and circumstances.

The civil appeal is disposed of. No costs.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI
JANUARY 16, 2019

Item No.8.5IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL NO.993 OF 2019
(Arising out of SLP(C) No.18108 of 2015)

STATE OF HIMACHAL PRADESH AND ORS.

APPELLANT(s)

VERSUS

SURAJ KUMAR

RESPONDENT(s)

O R D E R

Leave granted.

This appeal has been listed together with a batch of cases. In the lead matter, State of Himachal Pradesh Vs. Shashi Kumar⁵, the judgment has been delivered today.

In the present case, the High Court had directed reconsideration of the application for compassionate appointment by disregarding the family pension/retiral benefits received by the dependents of the deceased employee.

In view of the decision which has been delivered in Shashi Kumar, the appeal shall have to be allowed. The appeal is accordingly allowed and the impugned judgment and order of the High Court is set aside. No costs.

We direct the appellants to reconsider the application for compassionate appointment submitted by the respondent in terms of the above judgment and to communicate a reasoned order within a period of three

⁵ [Civil Appeal arising out of SLP(C)No.7079 of 2016]

months from today.

The civil appeal is disposed of accordingly. No costs.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI
JANUARY 16, 2019

Item No.8.6IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL NO.992 OF 2019
(Arising out of SLP(C) No.18107 of 2015)

STATE OF HIMACHAL PRADESH AND ORS.

APPELLANT(s)

VERSUS

NEEL KUMAR

RESPONDENT(s)

O R D E R

Leave granted.

This appeal has been listed together with a batch of cases. In the lead matter, State of Himachal Pradesh Vs. Shashi Kumar ⁶, the judgment has been delivered today.

In the present case, the High Court had directed reconsideration of the application for compassionate appointment by disregarding the family pension/retiral benefits received by the dependents of the deceased employee.

In view of the decision which has been delivered in Shashi Kumar, the appeal will have to be allowed. The appeal is accordingly allowed and the impugned judgment and order of the High Court is set aside. No costs.

We direct the appellants to reconsider the application for compassionate appointment submitted by the respondent in terms of the above judgment and to communicate a reasoned order within a period of three

⁶ [Civil Appeal arising out of SLP(C)No.7079 of 2016]

months from today.

The civil appeal is disposed of accordingly. No costs.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI
JANUARY 16, 2019

Item No.8.7

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.995 OF 2019
(Arising out of SLP(C) No.22799 of 2015)

STATE OF HIMACHAL PRADESH

APPELLANT(s)

VERSUS

SANDEEP

RESPONDENT(s)

O R D E R

Delay condoned.

Leave granted.

This appeal has been listed together with a batch of cases. In the lead matter, State of Himachal Pradesh Vs. Shashi Kumar ⁷, the judgment has been delivered today.

In view of the decision which has been delivered in Shashi Kumar, the appeal shall have to be allowed. The appeal is accordingly allowed and the impugned judgment and order of the High Court is set aside. No costs.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI
JANUARY 16, 2019

⁷ [Civil Appeal arising out of SLP(C)No.7079 of 2016]

Item No.8.8IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL NO.996 OF 2019
(Arising out of SLP(C) No.27967 of 2015)

STATE OF HIMACHAL PRADESH AND ORS.

APPELLANT(s)

VERSUS

NARESH KUMAR

RESPONDENT(s)

O R D E R

Leave granted.

This appeal has been listed together with a batch of cases. In the lead matter, State of Himachal Pradesh Vs. Shashi Kumar⁸, the judgment has been delivered today.

In the present case, the High Court directed reconsideration of the application for compassionate appointment in view of the principles laid down in the judgment rendered by the High Court in Rohit Sharma Vs. H.P.⁹ decided on 5 August, 2014.

In view of the decision which has been delivered by this Court in Shashi Kumar and State of Himachal Pradesh Vs. Rohit Sharma¹⁰, the appeal shall have to be allowed.

The appeal is accordingly allowed and the impugned

8 [Civil Appeal arising out of SLP(C)No.7079 of 2016]

9 [CWP No.5096 of 2014]

10 [Civil Appeal arising out of SLP(C) No.18105 of 2015]

judgment and order of the High Court is set aside. No costs.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI
JANUARY 16, 2019

Item No.8.9

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.997-1004 OF 2019
(Arising out of SLP(C) Nos.4653-4660 of 2016)

HIMACHAL PRADESH STATE ELECTRICITY
BOARD LTD. AND ANR. ETC. ETC.

APPELLANT(s)

VERSUS

RAMESH KUMAR ETC. ETC.

RESPONDENT(s)

O R D E R

Leave granted.

These appeals have been listed together with a batch of cases. In the lead matter, State of Himachal Pradesh Vs. Shashi Kumar¹¹, the judgment has been delivered today.

In the present case, the High Court had directed reconsideration of the application for compassionate appointment in view of the principles laid down in the judgment rendered by it in Rohit Sharma Vs. H.P.¹² decided on 5 August, 2014.

In view of the decision which has been delivered by this Court in Shashi Kumar, the appeals shall have to be allowed. The appeals are accordingly allowed and the impugned judgment and order of the High Court is set

¹¹ [Civil Appeal arising out of SLP(C)No.7079 of 2016]

¹² [CWP No.5096 of 2014]

aside. No costs.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI
JANUARY 16, 2019

Item No.8.10IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL Nos.1031-1035 OF 2019
(Arising out of SLP(C) Nos.6616,6618-6621 of 2016)

STATE OF HIMACHAL PRADESH AND ORS. ETC. ETC. APPELLANT(s)

VERSUS

RAJESH KUMAR ETC. ETC. RESPONDENT(s)

O R D E R

Leave granted.

The High Court, by the impugned judgment, directed the appellants to reconsider the case of the respondent for compassionate appointment disregarding the pensionary benefits received by the family of the deceased employee.

In view of the judgment delivered today in State of Himachal Pradesh Vs. Shashi Kumar¹³, this view of the High Court is unsustainable. Accordingly, the judgment of the High Court is set aside. The appeals are accordingly allowed. No costs.

While allowing the appeals, we direct the appellants to reconsider the application for compassionate appointment submitted by the respondent and to communicate a reasoned order within a period of three

¹³ [Civil Appeal arising out of SLP(C)No.7079 of 2016]

months from today.

The State shall pass an appropriate order in
accordance with law.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI
JANUARY 16, 2019

Item No.8.12

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL Nos.1005-1008 OF 2019
(Arising out of SLP(C) Nos.7315-7318 of 2016)**

STATE OF HIMACHAL PRADESH AND ORS.

APPELLANT(s)

VERSUS

ANUP KUMAR ETC. ETC.

RESPONDENT(s)

O R D E RCase of Anup Kumar (CWP No.2684/2015)

Leave granted.

In the present case, the father of the respondent who was working on the post of Central Head Teacher in the Education Department died on 1 April 2008, while in service.

The case of the brother of the respondent was considered for the grant of compassionate appointment. He died on 22 February 2010. Thereafter, the respondent submitted an application for compassionate appointment in 2013. The application was rejected on 23 February 2015.

Having regard to the delay of nearly five years in submitting an application for compassionate appointment, we are of the view that the High Court was in error in granting relief to the respondent. Moreover, against the common judgment of the High Court in a batch of petitions, the appeal filed by the State of Himachal

Pradesh has been allowed in State of Himachal Pradesh Vs. Shashi Kumar¹⁴ decided today.

For the above reasons, we allow the appeal and set aside the impugned judgment and order passed by the High Court. No costs.

Cases of Sanjay Kumar, Hardeep Dhiman and Vijay Kumar
[CWP Nos.3763 of 2015, 3394 of 2015 and 1787 of 2014]

By an order dated 1 February 2018, the Chamber Judge dismissed the special leave petition for not taking steps to ensure service on the sole respondent. The order dated 1 February 2018 is hereby recalled and the special leave petition is restored to its original number.

Leave granted.

There were three writ petitions before the High Court, the decision on which forms the subject matter of the present appeal. These are CWP 3763 of 2015 (the original petitioner being Sanjay Kumar), CWP 3394 of 2015 (the original petitioner being Hardeep Dhiman) and CWP 1787 of 2014 (the original petitioner being Vijay Kumar).

The High Court has disposed of the above writ petitions, in terms of its judgment on issue No.(i). Against the judgment of the High Court on issue No.(i), this Court has disposed of the appeal filed by the State of Himachal Pradesh in State of Himachal Pradesh Vs. Shashi Kumar (supra). In view thereof and following the decision in Shashi Kumar, the appeals are allowed. No

¹⁴ [Civil Appeal arising out of SLP(C)No.7079 of 2016]

costs.

However, we direct that the applications of the above three persons shall be considered afresh by the State within a period of three months from today and a reasoned order shall be communicated to the respondents. The State Government shall while carrying out this exercise have due regard to the judgment delivered by this Court in Shashi Kumar and the terms of the policy.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI
JANUARY 16, 2019

Item No.8.13IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL Nos.1009-1013 OF 2019(Arising out of SLP(C) Nos.19641-19645 of 2016)

STATE OF HIMACHAL PRADESH AND ORS.

APPELLANT(s)

VERSUS

KEWAL KUMAR ETC. ETC.

RESPONDENT(s)

O R D E R

Delay condoned.

Leave granted.

The High Court, by the impugned judgment, directed the appellants to reconsider the case of the respondent(s) for compassionate appointment.

While reconsidering the application, the State shall follow the judgment delivered today in State of Himachal Pradesh Vs. Shashi Kumar¹⁵.

We direct the appellants to reconsider the application for compassionate appointment submitted by the respondent in terms of the above judgment and to communicate a reasoned order within a period of three months from today.

The appeals are disposed of accordingly. No costs.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI
JANUARY 16, 2019

Item No.8.14IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL NO.1014 OF 2019
(Arising out of SLP(C) No.19635 of 2016)

STATE OF HIMACHAL PRADESH AND ORS.

APPELLANT(s)

VERSUS

TANUJ KUMAR

RESPONDENT(s)

O R D E R

Delay condoned.

Leave granted.

The High Court, by the impugned judgment, directed the appellants to reconsider the case of the respondent for compassionate appointment disregarding the pensionary benefits received by the family of the deceased employee.

In view of the judgment delivered today in State of Himachal Pradesh Vs. Shashi Kumar¹⁶, this view of the High Court is unsustainable. Accordingly, the judgment of the High Court is set aside. The appeal is accordingly allowed. No costs.

We direct the appellants to reconsider the application for compassionate appointment submitted by the respondent and to communicate a reasoned order within

16 [Civil Appeal arising out of SLP(C)No.7079 of 2016]

a period of three months from today.

The civil appeal is disposed of. No costs.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI
JANUARY 16, 2019

Item No.8.15

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.1017 OF 2019

(Arising out of SLP(C) No.19647 of 2016)

STATE OF HIMACHAL PRADESH AND ORS.

APPELLANT(s)

VERSUS

GAGAN KUMAR

RESPONDENT(s)

O R D E R

Delay condoned.

Leave granted.

The High Court, by the impugned judgment, directed the appellants to reconsider the case of the respondent for compassionate appointment .

While reconsidering the application, the State shall follow the judgment delivered today in State of Himachal Pradesh Vs. Shashi Kumar¹⁷.

We direct the appellants to reconsider the application for compassionate appointment in the above terms and to communicate a reasoned order within a period of three months from today.

The appeal is accordingly disposed of. No costs.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI
JANUARY 16, 2019

Item No.8.16

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1018 OF 2019

(Arising out of SLP(C) No.14936 of 2016)

STATE OF HIMACHAL PRADESH AND ORS.

APPELLANT(s)

VERSUS

RAJEEV

RESPONDENT(s)

O R D E R

Leave granted.

The High Court, by the impugned judgment, directed the appellants to reconsider the case of the respondent for compassionate appointment.

While reconsidering the application, the State shall follow the judgment delivered today in State of Himachal Pradesh Vs. Shashi Kumar¹⁸.

We direct the appellants to reconsider the application for compassionate appointment submitted by the respondent in the above terms and to communicate a reasoned order within a period of three months from today.

The appeal is accordingly disposed of. No costs.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI
JANUARY 16, 2019

Item No.8.17/3

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO.966 OF 2019
(Arising out of SLP(C) No.19648 of 2016)**

STATE OF HIMACHAL PRADESH AND ANR.

APPELLANT(s)

VERSUS

BHIM SINGH

RESPONDENT(s)

O R D E R

Delay condoned.

Leave granted.

In the present case, the father of the respondent died on 2 June 2005 while in the service of the State Government. The respondent applied for compassionate appointment in 2005. The application for compassionate appointment was rejected by the Principal Secretary (Food, Civil Supplies and Consumer Affairs) to the State Government on 31 July 2014. The ground for rejection was that the annual pension for 2013-2014 was Rs.1,28,481. The High Court has directed the State Government to ignore the annual pension by its impugned judgment.

By the judgment delivered in State of Himachal Pradesh Vs. Shashi Kumar¹⁹ on 16 January 2019, the judgment of the High Court on this aspect has been set aside. This Court has also held that any application for

¹⁹ [Civil Appeal arising out of SLP(C)No.7079 of 2016]

compassionate appointment has to be considered strictly in terms of the policy.

While allowing the appeal, we set aside the impugned judgment and order, confined to the challenge preferred by the State. We remit the case of the respondent for fresh consideration by the State Government in terms of the relevant policy. A final decision shall be communicated in terms of a reasoned order to the respondent within a period of three months from today. No costs.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI
JANUARY 17, 2019

Item No.8.18

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.1016 OF 2019

(Arising out of SLP(C) No.19636 of 2016)

STATE OF HIMACHAL PRADESH AND ORS.

APPELLANT(s)

VERSUS

RIPNA DEVI

RESPONDENT(s)

O R D E R

Delay condoned.

Leave granted.

The High Court, by the impugned judgment, directed the appellants to reconsider the case of the respondent for compassionate appointment .

The State shall while carrying out the above exercise, follow the judgment delivered today in State of Himachal Pradesh Vs. Shashi Kumar²⁰.

We direct the appellants to reconsider the application for compassionate appointment submitted by the respondent in terms of the above judgment and to communicate a reasoned order within a period of three months from today.

The appeal is accordingly disposed of. No costs.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI
JANUARY 16, 2019

Item No.8.19

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1015 OF 2019

(Arising out of SLP(C) No.19637 of 2016)

STATE OF HIMACHAL PRADESH AND ANR.

APPELLANT(s)

VERSUS

YOGESH VERMA

RESPONDENT(s)

O R D E R

Leave granted.

The High Court, by the impugned judgment, directed the appellants to reconsider the case of the respondent for compassionate appointment.

While no exception can be taken to the direction to reconsider the application on the facts of this case, the judgment delivered today in State of Himachal Pradesh Vs. Shashi Kumar²¹, shall guide the decision making process.

While allowing the appeal for the reasons indicated in the above judgment, we direct the appellants to reconsider the application for compassionate appointment submitted by the respondent and to communicate a reasoned

21 [Civil Appeal arising out of SLP(C)No.7079 of 2016]

order within a period of three months from today. The appeal stands disposed of in the above terms. No costs.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI
JANUARY 16, 2019

Item No.8.20

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.1019 OF 2019

(Arising out of SLP(C) No.19653 of 2016)

STATE OF HIMACHAL PRADESH AND ORS.

APPELLANT(s)

VERSUS

SANDEEP KUMAR SHARMA

RESPONDENT(s)

O R D E R

Delay condoned.

Leave granted.

The High Court, by the impugned judgment, directed the appellants to reconsider the case of the respondent for compassionate appointment.

While reconsidering the application, the State shall follow the judgment delivered today in State of Himachal Pradesh Vs. Shashi Kumar²².

We direct the appellants to reconsider the application for compassionate appointment submitted by the respondent in terms of the above judgment and to communicate a reasoned order within a period of three months from today.

The appeal is accordingly disposed of. No costs.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI
JANUARY 16, 2019

Item No.8.22

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.1020 OF 2019
(Arising out of SLP(C) No.19652 of 2016)**

STATE OF HIMACHAL PRADESH AND ORS.

APPELLANT(s)

VERSUS

NIRMALA DEVI

RESPONDENT(s)

O R D E R

Delay condoned.

Leave granted.

This appeal has arisen from the judgment of the High Court dated 6 October 2015. The case of the respondent, the writ petitioner, was that her husband was employed as a Water Carrier-cum-Cook with the State Government and he died in harness on 7 July 2009.

According to the respondent, her spouse was working since 1985 and was entitled to daily wage status after the completion of ten years' service. He died in harness on 7 July 2009. In the circumstances, the respondent claimed that her case for grant of employment on compassionate grounds should be considered.

In the counter affidavit, it was stated that the spouse of the respondent had put in five years of service as a daily wager, having been appointed as a part-time Water Carrier-cum-Cook with effect from 9 September 1985 and that he was given daily wage status by an order dated 10 August 2004. He died on 7 July 2009, as stated above.

According to the State, the office memorandum dated

18 January 1990 contemplated employment assistance where a daily wage employee had died after rendering at least five years' service with not less than 240 days on a daily wage basis in a year. However, on 16 August 2005, the State Government resolved that if a work charge beldar on daily wages with seven years' continuous service dies in harness, one of his dependants should be appointed on daily wages. In the circumstances, it has been submitted that the respondent did not meet the criteria required.

We are of the view that since the High Court has not specifically dealt with the facts and circumstances pertaining to the respondent, it would be appropriate if it is directed to reconsider the matter afresh after hearing the rival submissions. To facilitate the aforesaid exercise, we allow the appeal and set aside the impugned order of the High Court insofar as it pertains to the case of the respondent. The High Court is requested to expedite the disposal of the petition.

The appeal is accordingly disposed of. No costs.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

Item No.8.23

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.1021 OF 2019

(Arising out of SLP(C) No.24571 of 2016)

STATE OF HIMACHAL PRADESH AND ORS.

APPELLANT(s)

VERSUS

YOGESH KUMAR

RESPONDENT(s)

O R D E R

Leave granted.

The High Court, by the impugned judgment, directed the appellants to reconsider the case of the respondent for compassionate appointment.

While reconsidering the application, the State shall follow the judgment delivered today in State of Himachal Pradesh Vs. Shashi Kumar²³.

We direct the appellants to reconsider the application for compassionate appointment submitted by the respondent and to communicate a reasoned order within a period of three months from today.

The appeal is accordingly disposed of. No costs.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI
JANUARY 16, 2019

Item No.8.24IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL NOS.1022-1025 OF 2019
(Arising out of SLP(C) No.24564-24567 of 2016)

STATE OF HIMACHAL PRADESH & ORS.

APPELLANT(s)

VERSUS

RAJESHWARI DEVI ETC. ETC.

RESPONDENT(s)

O R D E R

Leave granted.

These appeals pertain to the following individuals:

(i) Rajeshwari Devi, (ii) Hukam Chand, (iii) Shashi Kumar and (iv) Banti Ram.

The present appeals have been placed for hearing together with a batch of matters in which the lead matter, State of Himachal Pradesh Vs. Shashi Kumar²⁴ was decided today.

From the record, it emerges that the income of the Rajeshwari Devi was in excess of the ceiling prescribed. Hence, her case for compassionate appointment was not within the prescribed parameters. We, accordingly, allow the appeal and set aside the judgment of the High Court insofar as Rajeshwari Devi is concerned.

Insofar as the remaining three applicants are concerned, it is common ground that the High Court has

²⁴ [Civil Appeal arising out of SLP(C)No.7079 of 2016]

not dealt with their individual facts. Having due regard to the judgment delivered by this Court in the lead matter, referred to above, we set aside the impugned judgment and order of the High Court and remit the matter back to the High Court for fresh decision in accordance with law. The High Court shall take a decision within a period of three months from today.

The appeals are accordingly disposed of. No costs.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI
JANUARY 16, 2019

Item No.8.25/3.1

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.967 OF 2019
(Arising out of SLP(C) No.29262 of 2016)

HIMACHAL PRADESH ROAD TRANSPORT CORPORATION APPELLANT(s)

VERSUS

PAWAN KUMAR RESPONDENT(s)

O R D E R

Delay condoned.

Leave granted.

The directions issued by the High Court in the present case arose from an application for compassionate appointment filed by the respondent. The father of the respondent who was on duty with the appellant was seriously injured and suffered a 100% disability. His application for retirement on medical grounds was accepted on 13 May 2014. However, in the meantime, the request for providing employment to the respondent in terms of the extant policy was made on 3 May 2014. Aggrieved by the denial of compassionate appointment, the respondent filed a writ petition. The High Court has directed reconsideration of the application for compassionate appointment. Having regard to the above directions of the High Court, we see no reason to interfere with the direction for reconsideration of the application for compassionate appointment.

However, this case is part of a batch of cases in which judgment has been delivered by this Court in State of Himachal Pradesh Vs. Shashi Kumar²⁵ on 16 January 2019.

We clarify that in reconsidering the application, the appellant shall observe the principles laid down by this Court. Moreover, the order of the High Court will not preclude the appellant from dealing with the application on the basis of the policy as applicable.

The appeal is accordingly disposed of. No costs.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI
JANUARY 17, 2019

Item No.8.26/3.2

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.968-970 OF 2019
(Arising out of SLP(C) Nos.24574-24576 of 2016)

STATE OF HIMACHAL PRADESH AND ORS.

APPELLANT(s)

VERSUS

SANJEEV KUMAR ETC. ETC.

RESPONDENT(s)

O R D E R

Leave granted.

In the present case, the appeals by the State of Himachal Pradesh arise from a common judgment of the High Court in three Writ Petitions, CWP 4104 of 2015, CWP 4254 of 2015, and CWP 4266 of 2016.

Insofar as the first Writ Petition [CWP 4104 of 2015] is concerned, the name of the original petitioner before the High Court is Sanjeev Kumar. His father, who was in service, as a mechanic in the Public Works Department at Hamirpur, died on 2 September 2006. The petitioner before the High Court applied for compassionate appointment on 2 July 2007. The application was rejected on 19 December 2013. The High Court has, by its judgment dated 14 October 2015, relied upon its judgment in Surinder Kumar Vs. State of H.P. [CWP 9094 of 2013] being the lead case which was decided on 6 October 2015.

Against the common judgment of the High Court, this Court has decided the appeal filed by the State of Himachal Pradesh in State of Himachal Pradesh Vs. Shashi Kumar²⁶. Hence, we direct that the State shall reconsider the application submitted by the writ petitioner, on the basis of the enunciation of the law by this Court in Shashi Kumar, preferably within a period of three months and communicate a reasoned order to the respondent.

The appeal is accordingly disposed of. No costs.

In the companion Writ Petitions, CWP 4254 of 2015, and CWP 4266 of 2016, the judgment of the High Court is dated 28 October 2015.

In terms of the directions issued earlier, we direct in the above two cases also that the State Government shall decide the applications for compassionate appointment having due regard to the judgment delivered by this Court, as noted above.

The appeals are accordingly disposed of. No costs.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI
JANUARY 17, 2019

Item No.8.29/3.5

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.972 OF 2019
(Arising out of SLP(C) No.28350 of 2016)

STATE OF HIMACHAL PRADESH & ORS.

APPELLANT(s)

VERSUS

GHANSHYAM

RESPONDENT(s)

O R D E R

Delay condoned.

Leave granted.

The respondent was the petitioner before the High Court in CWP 453 of 2014 which was disposed of by the High Court by its common judgment and order dated 6 October 2015. The High Court has followed its judgment to the effect that amounts which have been received by way of pension and other terminal benefits should not be taken into account in deciding the application for compassionate appointment. This direction of the High Court has been set aside by this Court in the judgment delivered in State of Himachal Pradesh Vs. Shashi Kumar [Civil Appeal arising out of SLP(C)No.7079 of 2016] on 16 January 2019.

The application submitted by the respondent for compassionate appointment was rejected on 6 October 2012 on the ground that the proposal did not meet the

financial/income criteria. However, the facts of the case of the respondent have not been considered in the impugned order of rejection. Thus, while following the decision rendered on the principal issue in the case of Shashi Kumar, we set aside the direction issued by the High Court. However, we direct that the State Government shall reconsider the application for compassionate appointment submitted by the respondent and pass a reasoned order within a period of three months in terms of the law laid down by this Court.

The appeal is accordingly disposed of. No costs.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI
JANUARY 17, 2019

ITEM NO. 3.6/8.30

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.978-984 OF 2019
(@ SLP(C) Nos. 29716-29722/2016)

STATE OF HIMACHAL PRADESH & ORS.

Appellant(s)

VERSUS

SH. SURINDER KUMAR ETC.

Respondent(s)

O R D E R

Delay condoned.

Leave granted.

These appeals arise from a common judgment of the High Court of Himachal Pradesh in C.W.Ps. No. 9094/2013, 9113/2011, 10185/2011, 2035/2012, 5753/2012, 6286/2012 and LPA No. 62/2014.

C.W.P. No. 9094 of 2013 was treated by the High Court to be the lead petition.

In these cases, the application for compassionate appointment was considered by the State Government in view of an amendment dated 25 September 2010 to its original policy dated 18 January 1990. The amendment stipulated that the State Government had decided to deal with cases of widows and applicants who were orphans on a priority basis.

The High Court has directed consideration of all the applications in terms of its decision.

Since the applications filed by the petitioners before the High Court in the above petitions were not considered by the State Government, we now direct that the State shall do so and pass a reasoned order within a period of two months.

In considering the applications, the State Government shall be bound by the terms of its policy and the judgment delivered by this Court on 16 January 2019 in *State of Himachal Pradesh vs. Shashi Kumar*²⁷.

In the appeal which arises from the decision of the High Court in C.W.P. No. 5753/2012, the original petitioner submitted an application for compassionate appointment. It appears from the facts which have been narrated by the High Court in paragraph 181 of its judgment dated 6 October 2015 that the original petitioner had already applied for appointment against the post of a clerk on compassionate grounds.

However, when an advertisement was issued for direct recruitment to the post of Constable, he filed a writ petition which was disposed of with a direction to the State to consider his representation afresh, provided vacancies were available against the five per cent quota in the cadre of Constables.

²⁷ [Civil Appeal arising out of SLP(C)No.7079 of 2016]

The application was rejected on the ground that the Department was considering the cases of widows and orphans on a priority. Moreover, the applicant did not meet the income criteria and since his name was already borne on the priority list for offering appointment on compassionate grounds against the post of clerk, he could not be considered in preference to others.

Having due regard to the above grounds of rejection, we find no reason for the High Court to have interfered with the grounds for rejection. In the circumstances, the appeal is allowed and C.W.P. No. 5753/2012 shall stand rejected.

L.P.A. No. 62/2014

In this case, learned counsel appearing on behalf of the original petitioner informs the Court, on instructions, that the petitioner before the High Court has since been regularised and appointed in the post of clerk. In that view of the matter, the grievance of the original petitioner has been met. The appeal against the judgment of the High Court in the above Letters Patent Appeal shall accordingly, stand disposed of.

I.A. No. 15/2016

The applicant before this Court seeks leave to withdraw the impleadment application so as to enable the applicant him to pursue his remedies in accordance with law. Permission sought is granted. The I.A. is, accordingly, dismissed as withdrawn with liberty reserved to the applicant, as prayed.

The civil appeals are, accordingly, disposed of.

Pending application(s), if any, shall also stand disposed of. No costs.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI,
January 17, 2019

ITEM NO. 3.7/8.31

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.985-986 OF 2019
(@ SLP(C) Nos. 28387-28388/2016)

H.R.T.C. THROUGH ITS MANAGING DIRECTOR & ANR. Appellant(s)

VERSUS

GODAWARI DEVI ETC. Respondent(s)

O R D E R

Delay condoned.

Leave granted.

The judgment of the High Court dated 6 October 2015 which is challenged in these appeals relates to CWP No. 8309 of 2014 and C.W.P. No. 77/2015

The High Court, following its decision on point No. (I), has directed the State Government to pass fresh orders on the application for compassionate appointment. These appeals will be governed by the judgment delivered by this Court in *State of Himachal Pradesh vs. Shashi Kumar*²⁸.

In the circumstances, we direct the State Government to consider the applications for compassionate appointment and to communicate a reasoned order preferably within three months having due regard to the judgment of this Court, as noted above.

The appeals are, accordingly, disposed of. No costs.

Pending application(s), if any, shall also stand disposed of.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI,
January 17, 2019

ITEM NO. 3.8/8.32

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.973-976 OF 2019
(@ SLP(C) Nos. 28351-28354/2016)

STATE OF HIMACHAL PRADESH & ORS. ETC. Appellant(s)

VERSUS

JOGINDER SINGH ETC.ETC. Respondent(s)

O R D E R

Delay condoned.

Leave granted.

The judgment of the High Court dated 6 October 2015 arises from several writ petitions pertaining to compassionate appointment. Hence, we will deal with each case separately.

C.W.P. No. 9172/2012 - The application for compassionate appointment was made under the 'kith and kin' policy on the ground that the father of the respondent had taken premature retirement with effect from 3 December 2004 on medical grounds.

The ground for rejection in the communication at Annexure P-I inter alia was that the father of the original petitioner had crossed the age of 55 years when he retired on medical grounds. This ground for rejection is in consonance with

paragraph 2(d) of the policy dated 18 January 1990.

It has also been found that the applicant did not meet the income criteria. In the above view of the matter and having due regard to the judgment delivered by this Court on 16 January 2019 in the case of *State of Himachal Pradesh vs. Shashi Kumar*²⁹, the judgment of the High Court is unsustainable. The appeal is, accordingly, allowed and the judgment in regard to the above writ petition is set aside.

C.W.P. No. 3252/2014 - The application for compassionate appointment was rejected on the grounds that (i) the applicant did not meet the requisite educational criteria; (ii) the applicant did not satisfy the income criteria; (iii) the death of the government employee had occurred in 1994 and hence no compassionate appointment could be granted in the year 2014, after such a lapse of time.

Paragraph 5(a) of the policy is in the following terms:-

"5(a) appointment on compassionate grounds can be made only against direct recruitment quota posts and candidate should possess the minimum educational and technical qualifications prescribed for the post as prescribed in recruitment Rules."

The first ground of rejection was according to the policy.

Moreover, since the applicant did not meet the income criterion, the application was not allowed. The delay also disentitled the applicant to any relief. Hence, the appeal is

allowed and the impugned judgment of the High Court is set aside. No costs.

C.W.P. No. 7074/2014 - The High Court has directed the State Government to consider the application of the original petitioner for compassionate appointment. In the present case, the father of the applicant died in 1993. The list of events in the writ petition indicates that the original petitioner was informed on 19 August 1994 that he could not be accommodated under the policy of compassionate appointment. His writ petition was filed in 2014. The fact that he was involved in a criminal case would not furnish a satisfactory explanation for the delay. Hence, the direction of the High Court to consider the application was unsustainable. Accordingly, the appeal is allowed. No costs.

C.W.P. No. 8895/2014 - The policy for compassionate appointment dated 18 January 1990 stipulated in paragraph 8 that where all the children of the deceased government employee were minors at the time of death, an application for employment may be filed when the eldest of the children attains the age of twenty one years.

Admittedly, the application by the respondent, the original petitioner, was filed beyond the age of 21 years and was not maintainable under the terms of the policy. Hence, the direction issued by the High Court for the consideration of the application would serve no purpose. The original

petitioner is not eligible under the terms of the policy.
Hence, the appeal is allowed and the judgment of the High Court
is set aside. No costs.

Pending application(s), if any, shall stand disposed of.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI,
January 17, 2019

ITEM NO. 3.9/8.33**IN THE SUPREME COURT OF INDIA****CIVIL APPELLATE JURISDICTION****CIVIL APPEAL NO.971 OF 2019****(@ SLP(C) No. 28349/2016)****STATE OF HIMACHAL PRADESH & ORS. Appellant(s)****VERSUS****YUDHVIR SINGH Respondent(s)****O R D E R****Delay condoned.****Leave granted.**

The case relates to compassionate appointment. The father of the respondent was an Assistant Engineer in the Public Works Department. He died on 29 October 2002 leaving behind a family of six minor children and a disabled widow. In October 2003 the respondent attained the age of majority and submitted an application for compassionate appointment on 15 December 2003.

It appears that in the course of processing, a fresh income certificate was required to be produced which, according to the respondent, was furnished in 2006.

In September 2012 the application was rejected following which a writ petition was filed under Article 226 of the Constitution. The High Court directed reconsideration of the application. The High Court has followed its decision in Surinder Kumar & Ors. vs. State of H.P decided on 6 October 2015 in C.W.P. No. 9094/2013 and connected matters.

The judgment of the High Court in the above-mentioned matter has been considered by this Court in *State of Himachal Pradesh vs. Shashi Kumar*³⁰ decided on 16 January 2019.

In view of the above facts and circumstances, we remand the matter back to the State Government to consider the applications submitted by the respondent afresh, having regard to the principle laid down by this Court in the case noted above and in terms of the policy.

The State Government shall communicate a reasoned order within three months.

The appeal is, accordingly, disposed of. No costs.

Pending application(s), if any, shall also stand disposed of.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI,
January 17, 2019

ITEM NO. 3.10/8.34**IN THE SUPREME COURT OF INDIA****CIVIL APPELLATE JURISDICTION****CIVIL APPEAL NO.987 OF 2019****(@ SLP(C) No. 29252/2016)****STATE OF HIMACHAL PRADESH & ANR.****Appellant(s)****VERSUS****PAMIL KUMAR****Respondent(s)****O R D E R**

Delay condoned.

Leave granted.

The father of the respondent died while in the service of the State Government on 24 January 2007. He was to retire on attaining the age of superannuation on 30 June 2007.

The order of rejection of the application for compassionate appointment records that the family was in receipt of a family pension of Rs. 7980/- apart from retirement benefits of Rs. 11 lakhs. Besides, the family also had agricultural income.

Having regard to the above grounds for rejection, the applicant did not fulfil the requirement under the policy dated 18 January 1990 of being in indigent circumstances. In the circumstances, the order of the High Court directing reconsideration of the application is unsustainable.

The appeal is allowed and the impugned order of the High

Court in C.W.P. No. 373/2015 shall stand set aside. No costs.
Pending application(s), if any, shall stand disposed of.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI,
January 17, 2019

ITEM NO.8/3

COURT NO.11

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL NO.988 OF 2019
(Arising out of SLP(C) No.7079 of 2016)

STATE OF HIMACHAL PRADESH & ANR.

APPELLANT(s)

VERSUS

SHASHI KUMAR

RESPONDENT(s)

WITH

Item No.8.1

CIVIL APPEAL NO.989 OF 2019
(Arising out of SLP(C) No.7148 of 2015)

Item No.8.2

CIVIL APPEAL NO.990 OF 2019
(Arising out of SLP(C) No.18105 of 2015)

Item No.8.3

CIVIL APPEAL NO.991 OF 2019
(Arising out of SLP(C) No.18106 of 2015)

Item No.8.4

CIVIL APPEAL NO.994 OF 2019
(Arising out of SLP(C) No.18111 of 2015)

Item No.8.5

CIVIL APPEAL NO.993 OF 2019
(Arising out of SLP(C) No.18108 of 2015)

Item No.8.6

CIVIL APPEAL NO.992 OF 2019
(Arising out of SLP(C) No.18107 of 2015)

Item No.8.7

CIVIL APPEAL NO.995 OF 2019
(Arising out of SLP(C) No.22799 of 2015)

Item No.8.8

CIVIL APPEAL NO.996 OF 2019
(Arising out of SLP(C) No.27967 of 2015)

Item No.8.9

CIVIL APPEAL Nos.997-1004 OF 2019
(Arising out of SLP(C) Nos.4653-4660 of 2016)

Item No.8.10

CIVIL APPEAL Nos.1031-1035 OF 2019
(Arising out of SLP(C) Nos.6616,6618-6621 of 2016)

Item No.8.11

S.L.P.(C)...CC No. 3983/2016 (XIV)

Item No.8.12

CIVIL APPEAL Nos.1005-1008 OF 2019
(Arising out of SLP(C) Nos.7315-7318 of 2016)

Item No.8.13

CIVIL APPEAL Nos.1009-1013 OF 2019
(Arising out of SLP(C) Nos.19641-19645 of 2016)

Item No.8.14

CIVIL APPEAL NO.1014 OF 2019
(Arising out of SLP(C) No.19635 of 2016)

Item No.8.15

CIVIL APPEAL NO.90978 OF 2019
(Arising out of SLP(C) No.19647 of 2016)

Item No.8.16

CIVIL APPEAL NO.1018 OF 2019
(Arising out of SLP(C) No.14936 of 2016)

Item No.8.17/3

CIVIL APPEAL NO.966 OF 2019
(Arising out of SLP(C) No.19648 of 2016)

Item No.8.18

CIVIL APPEAL NO.1016 OF 2019
(Arising out of SLP(C) No.19636 of 2016)

Item No.8.19

**CIVIL APPEAL NO.1015 OF 2019
(Arising out of SLP(C) No.19637 of 2016)**

Item No.8.20

**CIVIL APPEAL NO.1019 OF 2019
(Arising out of SLP(C) No.19653 of 2016)**

**Item No.8.21
SLP(C) No. 16158-16165/2016 (XIV)**

Item No.8.22

**CIVIL APPEAL NO.1020 OF 2019
(Arising out of SLP(C) No.19652 of 2016)**

Item No.8.23

**CIVIL APPEAL NO.1021 OF 2019
(Arising out of SLP(C) No.24571 of 2016)**

Item No.8.24

**CIVIL APPEAL NOS.1022-1025 OF 2019
(Arising out of SLP(C) No.24564-24567 of 2016)**

Item No.8.25/3.1

**CIVIL APPEAL NO.967 OF 2019
(Arising out of SLP(C) No.29262 of 2016)**

Item No.8.26/3.2

**CIVIL APPEAL NOS.968-970 OF 2019
(Arising out of SLP(C) Nos.24574-24576 of 2016)**

**Item No.8.27/3.3
SLP(C) No. 467-470/2019 (XIV)**

Item No.8.28/3.4

**CIVIL APPEAL NO.977 OF 2019
(Arising out of SLP(C) No.28355 of 2016)**

Item No.8.29/3.5

**CIVIL APPEAL NO.972 OF 2019
(Arising out of SLP(C) No.28350 of 2016)**

ITEM NO. 3.6/8.30

CIVIL APPEAL Nos.978-984 OF 2019

(@ SLP(C) Nos. 29716-29722/2016)

ITEM NO. 3.7/8.31

CIVIL APPEAL Nos.985-986 OF 2019
(@ SLP(C) Nos. 28387-28388/2016)

ITEM NO. 3.8/8.32

CIVIL APPEAL Nos.973-976 OF 2019
(@ SLP(C) Nos. 28351-28354/2016)

ITEM NO. 3.9/8.33

CIVIL APPEAL NO.971 OF 2019
(@ SLP(C) No. 28349/2016)

ITEM NO. 3.10/8.34

CIVIL APPEAL NO.987 OF 2019
(@ SLP(C) No. 29252/2016)

Item 3.11/8.35

(SLP(C) ...CC No. 24179/2016)

Item 3.12/8.36

(SLP(C) ..CC No. 24192/2016)

Date : These matters were called on for hearing on 16 January 2019 and 17 January 2019.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. P.S. Patwalia, Sr. Adv.
Mr. Vikas Mahajan, AAG
Mr. Aakash Verma, Adv.
Mr. Anil Kumar, Adv.
Mr. Abhinav Mukerji, AOR
Ms. Bihu Sharma, Adv.
Ms. Purnima Krishna, Adv.
Ms. Pratishtha Vij, Adv.

Mr. Abhinav Mukerji, AOR
Ms. Bihu Sharma, Adv.
Ms. Purnima Krishna, Adv.
Ms. Pratishtha Vij, Adv.

Mr. Ajay Marwah, AOR

Mr. Atul Kumar, Adv.

Mr. Ishan Dewan, Adv.

Plak Bagchi, Adv.

Mr. Abhimanyu Sharma, Adv.

Mr. Ishan Dewan, Adv.

Mr. S. K. Verma, AOR

Mr. Suryanarayana Singh, Adv.

Ms. Pragati Neekhara, AOR

Ms. Kaveri Vats, Adv.

Mr. Varinder Kumar Sharma, AOR

For Respondent(s) Ms. Radhika Gautam, AOR

Mr. Rajul Shrivastav, Adv.

Mr. K. Krishna Kumar, AOR

Mr. Vikrant Narayan Vasudeva, AOR

Mr. Ashwani Kumar, AOR

Ms. Iti Sharma, Adv.

Mr. Jay Kr. Bhardwaj, Adv.

Mr. Ravinder Nain, Adv.

Mr. Puneet Sharma, Adv.

Mr. Jogy Scaria, AOR

Mr. Reegan S. Bali, Adv.

Ms. Beena Victor, Adv.

Mr. Ravi Homod, Adv.

Mr. Veeranjaneyvilu K.L.N.V., Adv.

Mr. Anil Nag, AOR

Mr. Ravi Bakshi, Adv.

Mr. Aditya Dhawan, Adv.

Ms. Kiran Dhawan, Adv.

Mr. Shashank Kumar, Adv.

Mr. Chander Shekhar Ashri, AOR

Mr. Abhinav Mukerji, AOR

Mrs. Bihu Sharma, Adv.

Ms. Purnima Krishna, Adv.

Ms. Pratistha Vij, Adv.

Mr. Jayant Mohan, AOR

Mr. Sunil Kumar Jain, AOR

Mr. Abhishek Jain, Adv.

Ms. Anusha Agarwal, Adv.

Mr. Punya Garg, Adv.
Mr. Abhishek Jain, Adv.

Mr. Srilok Nath Rath, Adv.
Mr. Y.P. Singh, Adv.
Mr. Sharan Thakur, Adv.
Mr. Mahesh Thakur, Adv.
Mr. Vijay Kumar Pardesi, Adv.
Dr. Sushil Balwada, AOR

Mr. Karan Chauhan, Adv.
Ms. Manjeet Chawla, AOR

Ms. Bharti Tyagi, AOR
Ms. Divya Jyoti Singh, Adv.

Mr. Vinod Sharma, AOR
Mr. Pawan Reley, Adv.

Mr. Gopal Prasad, AOR

Mr. Satish Kumar, AOR

Mr. Aravindh S., AOR
Mr. A. Lakshmi Narayan, Adv.

Mrs. Nanita Sharma, AOR
Mr. Vivek Sharma, Adv.
Mr. Bajrang Lal Jat, Adv.

Mr. Baldev Singh, Adv.
Mr. D.S. Patial, Adv.
Mr. Binay Kumar Das, AOR

Mr. Yogesh Kumar Mathur, Adv.
Ms. Amita Singh Kalkal, AOR

Mr. M. C. Dhingra, AOR
Mr. Piyush Kant Roy, Adv.
Ms. Indira Kanora, Adv.
Mr. Gaurav Dhingra, Adv.
Ms. Shobha Gupta, Adv.
Mr. Ashwani Kr. Gupta, Adv.
Mr. Vikrant Yadav, Adv.

Mr. P. N. Puri, AOR
Mr. Reeta Dewan Puri, Adv.
Mr. Abhishek Puri, Adv.
Mr. Dhiraj, Adv.

Mr. Parmanand Gaur, AOR
Mr. Ekansh Bansal, Adv.

Mr. Yash Pal Dhingra, AOR

Mr. Baldev Singh, adv.

Mr. D.S. Patial, Adv.

Mr. Vinay Kumar Das, Adv.

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

Item No.8 CIVIL APPEAL NO.988 OF 2019 (Arising out of SLP(C) No.7079 of 2016) and Item No.8.28/3.4 CIVIL APPEAL NO.977 OF 2019 (Arising out of SLP(C) No.28355 of 2016)

Leave granted.

In terms of the signed reportable judgment, the appeals are allowed/disposed of. No costs.

Pending applications are also disposed of.

Item No.8.11 (S.L.P.(C)...CC No. 3983/2016)

Delay condoned.

Issue notice returnable in four weeks.

Mr. P.S. Patwalia, learned senior counsel for the State waives notice for Respondent No.1.

Item No.8.21 (SLP(C) No. 16158-16165/2016)

List the matter on 21 January 2019.

Item No.8.27/3.3 (SLP(C) No. 467-470/2019)

Await service.

List after three weeks.

Item 3.11/8.35 (SLP(C) ...CC No. 24179/2016) & Item 3.12/8.36 (SLP(C) ..CC No. 24192/2016)

Issue notice on the application for condonation of delay as well as on the special leave petition, returnable in four weeks.

There shall be a stay of the directions contained in

the impugned judgment of the High Court, in the meantime.

Other items

Delay condoned.

Leave granted.

The appeals are allowed/disposed of in terms of the signed orders.

Pending applications, if any, are disposed of.

(SANJAY KUMAR-I) AR-CUM-PS (Signed reportable judgments and signed reportable orders are placed on the file)	(SAROJ KUMARI GAUR) COURT MASTER
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