

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). 7999 OF 2002

DISTRICT REHABILITATION OFFICER & ORS.

Appellant (s)

VERSUS

JAY KISHORE MAITY & ORS.

Respondent(s)

(With appln. for permission bring to the subsequent development of the present case on record and further direction)

WITH Civil Appeal NO. 4313-4319 of 2003

(With appln. for direction)

Date: 13/09/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Appellant(s)

Mr. T.S.Doabia, Sr.Adv.

Ms. Shilpa Singh, Adv.

Mr. D.S.Mehra, Adv.

Mr. Shreekant N. Terdal, Adv.

For Respondent(s)

Mr. Tapash Ray, Sr.Adv.

Mr. Satish Vig, Adv.

Mr. Jaideep Gupta, Sr.Adv.

Mr. D.Bharat Kumar, adv.

Mr. Anand, Adv.

Mr. Abhijit Sengupta,Adv.

Ms. Indrani,Adv.

Mr. P.Vishwanath Shetty,Sr.adv.

Mr. B.K.Chaudhary,Adv.

Mr. Vikas Rojipura,Adv.

Mr. E.C. Vidya Sagar

UPON hearing counsel the Court made the following

O R D E R

A statement has been made by Mr. T.S. Doabia, learned senior counsel appearing on behalf of the Union that the Central Government has stopped releasing any fund from 1.4.2006. On a query made by us in that behalf it was stated at the Bar that so far as the employees of the State of West Bengal are concerned,

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they have been paid salary up to July 2006 and so far as the employees working in the State of Karnataka are concerned, they have been paid their salary up to August 2006. We have been given to understand that the salary to the respondents herein could be disbursed by the Council only from the excess fund available with it from the last years budget and the amount now stands exhausted in view of stoppage of the grant by the Central Government.

We direct the State of Karnataka as also the State of West

Bengal to state on oath as to whether they would like to continue with the projects in lieu of the scheme as has been done by the States of Chhattisgarh, Rajasthan and Tamil Nadu. Learned counsel for the Central Government shall hand over a copy of the project adopted by the State of Tamil Nadu, Rajasthan or Chhattisgarh, as the case may be, to Mr. Tapash Ray, learned senior counsel appearing on behalf of the State of West Bengal and Mr. Sanjay Hegde, learned counsel appearing on behalf of the State of Karnataka so as to enable them to seek instructions as to whether their States are prepared to continue with the said projects on the terms adopted by the said States.

We would also direct the Government of India to file an affidavit as to what steps, if any, are feasible to be taken by it for continuation of the project atleast for some time more so that solution of the problem may be find out by this Court in the meanwhile in the event the States express their inability to continue with the existing project. We also direct the respondents to file affidavit(s) stating as to whether they are ready and willing to serve other projects run by the Central Government, in the event the Government of West Bengal and Government of Karnataka on the one hand and the Central Government on the other are not ready and willing to continue with the projects.

The directors of Social Welfare Department of the State of

West Bengal as also the State of Karnataka would also file a status report as regards the project by 26.9.2006.

List the matters on 26.9.2006. The Secretaries of the State of West Bengal and Karnataka are directed to remain present in this Court on that date.

[SUMAN WADHWA]

COURT MASTER

[PUSHAP LATA BHARDWAJ]

COURT MASTER