

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Civil Appeal No.5545 of 2007
Arising out of
Petition(s) for Special Leave to Appeal (Civil) No(s).9854/2006

(From the judgement and order dated 14/12/2005 in DBC.Spl.A
No.828/2003 of The HIGH COURT OF RAJASTHAN AT JODHPUR)

CHIEF EXECUTIVE NATIONAL CO-OPERATIVE OF
UNION OF INDIA & ORS. Petitioner(s)

VERSUS

VINOD KUMAR JAIN & ANR. Respondent(s)

[With appln(s) for permission to place addl. documents on record,
bring on record the subsequent events/directions, with prayer for
interim relief] [For final disposal]

Date: 30/11/2007 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE ASHOK BHAN
HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s) Mr. S.K. Gambhir, Sr. Adv.
Mr. V.K. Singh, Adv.
Mr. Anil Sharma, Adv. for
Mr. T.N. Singh, Adv.

For Respondent(s) Mr. B. Dutta, ASG
Ms. Varuna Bhandari Gugnani, Adv. for
Mr. D.S. Mahra, Adv.

Ms. Aishwarya Bhati, Adv. for
Gp.Capt.Karan Singh Bhati, Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

The appeal is allowed in terms of the signed order.
(Subhash Chander) (Kanwal Singh)
Court Master Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5545 OF 2007
[Arising out of S.L.P.(C)No.9854 of 2006]

Chief Executive National Co-operative of
Union of India & Ors.Appellants

Versus

Vinod Kumar Jain & Anr.Respondents

ORDER

Leave granted.

The respondent no.1 was initially engaged in the year 1991 on contractual basis for a year under the Education-cum-Development Programme for Handlooms Co-operatives. The said appointment was extended from time to time.

In the year 2000, respondent no.1 applied and was appointed by appellants as Project Officer-cum-Senior Instructor on contractual basis under the Handloom Education-cum-Development Project. The said project was sponsored by Ministry of Textiles, Govt. of India. Since the Government of India discontinued the grants-in-aid, the said project came to an end on 04th February 2003, as a result of which, the services of respondent no.1 were terminated.

Respondent no.1, being aggrieved, filed Writ Petition No.441 of 2003 before the High Court which was dismissed by a learned Single Judge by an order dated 31st October 2003.
C.A.No.5545/07 (contd.)

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On an appeal filed by respondent no.1 before the Division Bench, the appeal was accepted by the impugned order, primarily on the ground that a similarly situated employee, viz., Sandeep Dahiya stands absorbed in some other project.

Counsel for the appellants contends that since the respondent no.1 had been employed on contractual basis under a specific project, his services could be terminated on expiry of the period of the project and that the Division Bench, in the impugned order, has erred in holding to the contrary. He states that services of Sandeep Dahiya have also been terminated in the year 2003. He further states that as respondent no.1 had put in 17 years of service on contractual basis on one post or another, whenever a post falls vacant for which the respondent no.1 is eligible and if he applies for the same, his case shall be considered sympathetically.

It is pertinent to mention here that the respondent has been continuing in service pursuant to the stay granted by the Division Bench of the High Court.

We find substance in the submission of the counsel for the appellants that the respondent could not be continued in service after the completion/expiry of the project under which he was specifically appointed and his services were rightly terminated thereafter. We, therefore, deem it fit to set aside the impugned order, restore that of the learned Single Judge and allow the appeal. Ordered accordingly.

C.A.No.5545/07 (contd.)

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However, it is made clear that in case a post falls vacant for which the respondent is eligible, and he applies for the said post, his case shall be considered sympathetically subject to satisfying the eligibility criteria as assured by Mr. Gambhir, learned senior counsel appearing for the appellants.

No costs.

Sd/-

.....J.
[ASHOK BHAN]

Sd/-

.....J.
[D.K. JAIN]

New Delhi.
November 30, 2007.