

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

I.A.NO.26 IN

Petition(s) for Special Leave to Appeal (Civil) No(s).1752-1754/2011

(From the judgement and order dated 12/03/2010 in WP (C) No.1597/2003, WP (C) No.16010/2006, WP (C) No.9028/2008 of The HIGH COURT OF DELHI AT N. DELHI)

SECR.,MINISTRY OF DEFENCE

Petitioner(s)

VERSUS

BABITA PUNIYA & ANR.& ETC.

Respondent(s)

(For directions and office report)

Date: 02/09/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.M. PANCHAL
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. Balaji Subramaniam , Adv.
Mrs Anil Katiyar,Adv.

For Respondent(s) Ms. Meenakshi Lekhi, Adv.
Mr. Himanshu Shekhar, Adv.
Mr. Harish Pandey ,Adv

Mrs. Rekha Palli,Adv.

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

I.A.NO.26 IN SLP (C) Nos. 1752-1754/2011

By filing this application, 11 applicants have prayed to direct the original petitioner i.e. Indian Army to reinstate them in service in terms of judgment dated 12.3.2010 rendered by the Delhi High Court in W.P. (C) No.9028/2008.

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This Court has heard the learned counsel for the parties. There is no dispute that in terms of judgment dated 12.3.2010 of the Delhi High Court rendered in W.P. (C) No.9028/2008, the applicants would be entitled to benefits mentioned in the said judgment. What is stayed as interim measure by this Court is action for contempt initiated by the original writ petitioners against the petitioners in Special Leave Petitions. The operation of the impugned judgment is not stayed at all. Under the circumstances, this Court is of the opinion that the 11 applicants would be entitled to reinstatement in terms of judgment dated 12.3.2010 rendered by the Delhi High Court in W.P. (C) No.9028/2008.

For the foregoing reasons, the application succeeds. The petitioner i.e. Indian Army is hereby directed to reinstate 11 applicants in terms of judgment dated 12.3.2010 passed by the Delhi High Court in W.P. (C) No.9028/2008 with effect from 12.9.2011.

The original petitioner shall issue necessary orders in the meanwhile reinstating the 11 applicants. It is clarified that the relief granted in the present application will be subject to the result of the SLP Nos.1752-1754/2011.

Subject to above-mentioned observation, the application stands disposed of.

(Neetu Sachdeva)
Sr. P. A.

(Sneh Bala Mehra)
Court Master