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C.A.No. 1904 OF 2000
ITEM No.103

COURT NO.10

SECTION XIA

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. 1904 OF 2000@@
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GEETHA S. & ORS. ...APPELLANTS

VERSUS

STATE OF KERALA & ORS. ...RESPONDENTS
(With office report)

WITH WP(C)NO.326/99-(With appln.(s) for directions and stay),
C.A.No.3591/2000, C.A.Nos.5332-5335/2000-(With office report)

Date : 22/04/2003 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Appellant (s) Mr. K. Sukumaran, Sr.Adv.
in CA 1904,WP(C) Ms. Karthika S., Adv.
326 Mr. N.R. Shonker, Adv.
Ms. Lekha Sudhakaran, adv.
for M/s. T.T.K. Deepak & Co., Adv.

in CA 3591, 5332-35 Mr. M.P. Vinod, Adv.

For Respondent (s) Mr. G. Prakash, Adv.
Mr. John Mathew, Adv.
for Mr. K.R. Sasiprabhu, Adv.
Mr. Ramesh Babu M.R., Adv.

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

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.SP2 Mr. K.R. Sukumaran, learned Senior Counsel for
the appellants argued the matter for 15 minutes. After
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that Mr. M.P. Vinod, learned counsel for the appellants
made his submissions for 5 minutes following Mr. John

Mathew, learned counsel appearing for the State who addressed the Court for 5 minutes.

The appeals and the writ petition stand disposed of in terms of the signed order.

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Sarita (Kanwal Singh) Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1904 OF 2000@@ CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

GEETHA S. & ORS. ...APPELLANTS

VERSUS

STATE OF KERALA & ORS. ...RESPONDENTS

WITH W.P.(C)NO.326/1999, C.A.NOS.3591 & 5332-5235/2000

O R D E R@@ CCCCCCCCC

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The appellants in the Civil Appeals and the petitioners in the Writ Petition were all working as Junior Public Health Nurses. The learned counsel for the appellants/petitioners contended that all of them were qualified to serve as Junior Public Health Nurses. They had put in more than 5 to 6 years of service. The services of some of the appellants were terminated after they approached this Court by filing special leave petitions and the services of some of the petitioners were terminated before they approached this Court. The learned counsel pointed out two orders of this Court dated 9.5.1995 passed in Writ Petition (Civil) No.493/91 [Chinmayamani & ors. vs. State of Kerala & Ors.] and@@ CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC the other dated 11.7.2001 passed in C.A. Nos. 4127-28 of ..2/-

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2001 and connected appeals [Girija M.V. & Ors. vs.@@ CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC State of Kerala & Ors.]. The said orders read :@@ CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

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"9.5.1995

On the date of filing the Writ Petitions the petitioners were working as

Junior Public Health Nurses. It is contended in the writ petitions that even on that date they had put in about 6 years of service. In case the petitioners are still working, they be treated to have been regularised in their respective posts. The writ petitions are disposed of."

"11.7.2001

Leave granted.

In the special features of these cases we think it would be proper for the respondents to extent the benefit of the order given by this Court in W.P.(C)No.493/1991 in the order made on 09.05.1995 in as much as they are qualified for the post of Junior Public Health Nurse. This order shall not be treated as precedent to be applicable to others. In the event that services of any of the candidates/petitioners have been terminated during the pendency of the proceedings before this Court, though no salary need be paid to them for that period, they shall be given benefit of continuity of service in the matter of regularisation. The Civil Appeals are allowed accordingly. There shall be no order as to costs."

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On the basis of these orders, the learned counsel ..3/-

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submitted that cases of the appellants/petitioners may be disposed of on similar lines. They also submitted that services of some of the appellants/petitioners have already been absorbed. The learned counsel appearing for the State does not dispute that the cases of the appellants/petitioners are similar to those cases covered by the afore-mentioned two orders of this Court. He further added that in those cases, the appellants/petitioners were continuing in service.

Although we do not find fault with the impugned judgment, but, having regard to the peculiar facts and circumstances of these cases and in the light of the orders afore-mentioned and to maintain consistency, we dispose of all these appeals and the writ petition by the following order :

1. The services of those appellants/petitioners, whose services were terminated after filing the special leave petitions, will be regularised in terms of the order dated 11.7.2001 extracted above.

2. The services of those appellants/petitioners, whose services were terminated before they approached this Court, they may apply afresh and approach the competent Authority for their appointment. In case they apply, their cases will be considered without placing age-bar against them.

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.4.

We make it clear that in case vacancies are available to accommodate such appellants/petitioners,

subject to their satisfying their eligibility and other conditions of service except the age, it is open to the State Government to consider their cases having regard to the fact that similar cases have been considered.

We also make it clear that, in any event, the appellants/petitioners shall not be entitled to claim any pay or arrears of salary, etc. as indicated in the Order dated 11.7.2001.

The appeals and the writ petition stand disposed of accordingly.

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.....J.
(SHIVARAJ V. PATIL)

New Delhi,
April 22, 2003.

.....J.
(ARIJIT PASAYAT)