

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. 805 OF 2004

N. AYYAPPAN

Appellant (s)

VERSUS

K.V. THOMAS AND ORS.

Respondent(s)

(With office report)

WITH

CIVIL APPEAL NO.806 of 2004 (With office report)

CIVIL APPEAL NO.807 of 2004 (With office report)

Date: 23/09/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE DEEPAK VERMA

For Appellant(s) Mr. L. Nageswara Rao, Sr. Adv.
(in CA 805/04) Mr. E.M.S. Anam, Adv.
 Mr. Fazlur Anam, Adv.
 Mr. I. Abrar Md Abdullah, Adv.

(in CA 806/04) Mr. V. Giri, Sr. Adv.
 Mr. Jayanth Muthuraj, Adv.
 Mr. P.V. Dinesh, Adv.

 Mr. G. Prakash, Adv.

For Respondent(s) Mr. C.S. Rajan, Sr. Adv.
 Mr. A. Raghunath, Adv.

For UPSC Mr. Ranjit Kumar, Sr. Adv.
 Ms. Binu Tamta, Adv.

For State of Mr. Dinesh Dwivedi, Sr. Adv.
Kerala Mr. G. Prakash, Adv.
 Mr. V. Senthil, Adv.

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Ms. Malini Poduval, Adv.

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

Heard the learned counsel for the parties.

The impugned judgment is set aside and the appeals are allowed in terms of the signed order. However, in the facts and circumstances of these cases, the parties are directed to bear their respective costs.

(A.S. BISHT)
COURT MASTER

(NEERU BALA VIJ)
COURT MASTER

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 805 OF 2004

N. AYYAPPAN

Appellant(s)

:VERSUS:

K.V. THOMAS AND ORS.

Respondent(s)

(WITH C.A. Nos.806/2004 and 807/2004)

O R D E R

1. These appeals have emanated from the common judgment delivered on 20th March, 2003 by the High Court of Kerala at Ernakulam in O.P. No.1985 of 2003. The controversy in these appeals relates to the selection and appointment of the appellants for the years of 2000 and 2001 (in Civil Appeal Nos.805/2004 and 806/2004), to the Indian Administrative Service.

2. This Court by an interim order passed on 5th May, 2003 stayed the impugned judgment and by virtue of the stay order the appellants have served for all these years and now they have superannuated from service.

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3. Mr. Nageshwar Rao, learned senior counsel appearing on behalf of the appellant in C.A. No.805/2004 has taken us to the impugned judgment. There are serious infirmities in the impugned judgment and for this reason the same cannot be sustained.

4. Accordingly, the impugned judgment is set aside and the appeals are allowed. However, in the facts and circumstances of these cases, we direct the parties to bear their respective costs.

.....J
(DALVEER BHANDARI)

.....J
(DEEPAK VERMA)

New Delhi;
September 23, 2010.