

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). 4149 OF 2003

SANJAY KUMAR SINGH Appellant (s)

VERSUS

BIHAR STATE ELECTRICITY BOARD & ORS. Respondent(s)

Date: 01/12/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE ANIL R. DAVE

For Appellant(s) Mr. R.R. Kumar, Adv.
Mr. Bharat Sangal, Adv.

For Respondent(s) Mr. Mohit Kumar Shah, Adv.
Ms. Shilpi Shah, Adv.

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

The appeal is disposed of with no order as to costs.

[Charanjeet Kaur]
Court Master

[Kusum Gulati]
Court Master

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

CIVIL APPEAL NO. 4149 OF 2003

Sanjay Kumar Singh .. Appellant(s)
Versus
Bihar State Electricity Board & Ors. .. Respondent(s)

O R D E R

We have heard learned counsel for the parties at some length. Though it is true that, at the relevant time, there was no policy with regard to appointment on compassionate ground, yet bearing in mind the fact that the appellant was appointed as an unskilled worker, along with some other similarly situated persons, with the consent of the highest authority of the respondent Board, in our opinion, strictly speaking, it cannot be said to be a backdoor appointment. Further, the mother of the appellant

also did not prefer any claim under the Workmen's Compensation Act, 1923 on the demise of her husband, though it is stated that she was entitled to. Moreover, it is

also not disputed that appointment of the appellant to

Class-III post was on his merit. Bearing in mind all these

facts, peculiar to this case, we are of the opinion that

the ends of justice would be served if the order cancelling

the appointment of the appellant to Class-III

post is set aside. We order accordingly.

However, the seniority of the appellant at class-

...2/-

: 2 :

III post shall be reckoned from the date of his actual

appointment to the said post on 11th October, 1988,

pursuant to the examination held for the said post on 8 th

May, 1988.

The appeal is disposed of accordingly with no order

as to costs.

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[D.K. JAIN, J.]

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[ANIL R. DAVE, J.]

NEW DELHI,
DECEMBER 01, 2011