

\ITEM NO.101

COURT NO.6

SECTION XVI

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). 1613 OF 2006

BIHAR STATE F.&C.SUPPLY CORP.LTD.&ORS.

Appellant (s)

VERSUS

PARMESHWAR PRASAD SAH & ORS.

Respondent(s)

(With appln(s) for stay and bringing on record additional documents  
and office report)

Date: 19/08/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s) Mr. Praveen Swarup,Adv.

For Respondent(s) Mr. Ratnesh Kumar Singh, Adv.for  
Mr. Ashwani Kumar,Adv.

Mr. Manish Kumar, Adv.for  
Mr. Gopal Singh ,Adv

Mr. Saket Singh, Adv.  
Ms. Niranjana Singh ,Adv

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

The Appeal is allowed in terms of the signed order.  
No costs.

(Parveen Kr. Chawla)

Court Master

[signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1613 OF 2006

(Indu Satija)

Court Master

Bihar State Food and Civil Supplies  
Corporation Limited & Others

..Appellants

versus

Parmeshwar Prasad Shah & Others

..Respondents

O R D E R

Heard learned counsel for the parties.

This Appeal has been filed against the impugned judgment and order dated 13th February, 2004 passed by the High Court of Judicature at Patna in L.P.A. No. 650 of 1997.

The facts have been set out in the impugned judgment and hence we are not repeating the same here.

The facts reveal that the respondents were only temporary employees and were never confirmed. It is well settled in service law that a temporary appointee has no right to the post vide judgments of this Court in the cases of State of U.P. vs. Kaushal Kishore Shukla (1991)1 SCC 691 and Triveni Shankar Saxena vs. State of U.P., AIR 1992 SC 496.

Since the respondents were purely temporary appointees, obviously, they could not have been ordered to be regularised. Moreover, such order of regularisation is against the judgment of this Court in the case of Secretary, State of Karnataka & Others vs. Umadevi(3) &

-2-

Others.

For the reasons stated above, this appeal is allowed and the impugned judgment of the High Court is set aside.

No costs.

.....J.  
[MARKANDEY KATJU]

NEW DELHI;  
AUGUST 19, 2010

.....J.  
[T.S. THAKUR]