

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2619 OF 2011

Union Public Service Commission

Appellant(s)

Versus

D. Sankar and Another

Respondent(s)

WITH

CIVIL APPEAL NOS.2620-2621 OF 2011

O R D E R

Civil Appeal No.2619 of 2011

It is submitted by Ms. Mahalakshmi Pavani, learned senior counsel appearing for the respondent No.1, D. Sankar, who is the real affected party, that he has already resigned from the service on 5th February, 2007. In such a situation, we do not think any issue really arises for consideration in this appeal. It is, accordingly, disposed of. There shall be no order as to costs.

Civil Appeal Nos.2620-2621 of 2011

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GULSHAN KUMAR
ARORA
Date: 2016.03.29
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The present appeals have been placed before u

s
Reason:

because a two-Judge Bench on 14th March, 2011, thought that the decision rendered by the Constitution Bench in Secretary,

SCC 1, requires reconsideration in view of the principle set out qua Article 14 of the Constitution of India by the seven-Judge Bench in Maneka Gandhi vs. Union of India (1978) 1 SCC 248.

In course of hearing, Mr. R. Venkataramani, learned senior counsel appearing for the respondent No.2-Union Territory of Puducherry has submitted that the said reference may not be gone into in the case at hand as the controversy can be dealt with on the factual score. Mr. Venkataramani, has further submitted that the respondent No.1 has already been regularized with effect from 12th March, 2004, having been cleared by the Union Public Service Commission.

At this juncture, Ms. Mahalakshmi Pavani, learned senior counsel appearing for the respondent No.1, S Srinivasan, has submitted that similarly situated persons have been given the benefit of Senior Scale/Selection Grade from the date of initial appointment.

Mr. Venkataramani, learned senior counsel fairly stated that the Union Territory does not intend to behave in an arbitrary manner by which an employee would feel that he is treated in an inequitable manner. It is clearly stated by him that the respondent No.1 shall be given similar benefits that has been given to the others with effect from his initial appointment i.e. 6th December, 1991.

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In view of the aforesaid, we direct the respondent No.2, Union Territory of Puducherry, to compute the amount and pay to the respondent No.1 within three months hence. If any benefit of seniority has been given to the similarly placed employee, the same may be considered by the respondent No.2.

The appeals are disposed of in the above terms.

There shall be no order as to costs.

.....J.
(Dipak Misra)

.....J.
(V. Gopala Gowda)

.....J.
(Kurian Joseph)

New Delhi;
March 18, 2016.

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ITEM NO.302

COURT NO.4

SECTION XII

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.2619/2011

UNION PUBLIC SERVICE COMMISSION

Appellant(s)

VERSUS

D.SANKAR & ANR.

Respondent(s)

(Office report)

WITH C.A. No.2620-2621/2011

(With appln.(s) for permission to bring additional facts and documents on record and office report)

Date: 18/03/2016 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE V. GOPALA GOWDA
HON'BLE MR. JUSTICE KURIAN JOSEPH

For Appellant(s)

Ms. Binu Tamta, AOR
Mr. Dhruv Tamta, Adv.
Ms. Nikita Shrivastava, Adv.

For Respondent(s)

Mr. R. Venkatramani, Sr. Adv.
Mr. V. G. Pragasam, AOR
Mr. Prabu Ramasubramanian, Adv.
Mrs. Neelam Singh, Adv.
Mr. Yashraj Singh Bundela, Adv.
Mrs. V. Vijaya Laxmi, Adv.

Ms. Mahalakshmi Pavani, Sr. Adv.
Mr. G. Balaji, Adv.
Ms. Shiva Vijaya Kumar, Adv.

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for M/s. Mahalakshmi Balaji & Co.

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

The appeals are disposed of in terms of the signed
order.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Court Master

(Signed order is placed on the file)