

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). 6336-6337 OF 2000

SURAT SINGH

Appellant (s)

VERSUS

STATE OF PUNJAB & ORS

Respondent(s)

Date: 11/01/2007 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Appellant(s)

Mr.Sudhir Walia, Adv.

Mr. Mahinder Singh Dahiya,Adv.

For Respondent(s)

Mr. Seeraj Bagga, Adv.

Mr.Arun K. Sinha, Adv.

UPON hearing counsel the Court made the following

O R D E R

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

(Meenu Sethi)

Court Master

(Pushap Lata Bhardwaj)

Court Master

Signed order is placed on the file

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS 6336-6337 OF 2000

Surat Singh

...Appellant

Versus

State of Punjab & Ors.

...Respondents

ORDER

These appeals are directed against the judgment and

order dated 18.5.1999 and 19.7.199 in CWP6627/99 and RP

583/99 whereby and whereunder the writ petition filed by

the appellant herein questioning an order of reversion dated

7.5.1999 from the post of Junior Engineer(Mech.) to the post

of Pump Operator was dismissed relying on and on the basis

of a earlier decision of the Punjab and Haryana High Court

dated 29.7.1998 passed in CWP No.10153/98.

The basic fact of the matter is as under:

Appellant was appointed in the department of Public

Health as a Pump Operator on or about 6.6.1974. While in

service he acquired diploma in Mechanical Engineering. The

rule operating at the relevant time was known as " Punjab

Public Works Subordinate Services (Building & roads Branch) Rule, 1934". The said rule was, however, repealed and replaced by a new rule which came into force on 18.1.1991 [1991 Rules] in terms whereof 80% of the post of Junior Engineer was to be filled by direct recruitment, 10% post by promotion amongst the diploma holders and the remaining 10% by promotion from amongst the non diploma holders.

It is not in dispute that the appellant was considered for appointment in the post of Junior Engineer in the year 1986 but he was in fact appointed in the year 1989 and since then he had been holding the said post on an ad-hoc basis.

Some diploma holders(direct recruits) filed a writ petition before the Punjab and Haryana High Court on 29.7.1988 in regard to fixation of their seniority in terms of 1991 Rules. Admittedly, the appellant was not impleaded as a party therein. The said writ petition was allowed. Relying on and on the basis of the said judgment and order dated 29.7.1998 the appellant was sought to be reverted. He filed a writ petition questioning the said order which was dismissed.

According to the appellant in the year 1992 a

reference was made in terms of Section 10 of the Industrial Disputes Act, 1947 wherein the State of Punjab took a categorical stand that the appellant had not been directly recruited to the post of Junior Engineer. In view of the order passed in the said proceedings, another writ petition was filed by the appellant which has been dismissed by reason of the impugned judgment.

Before us two Office Orders have been filed, being Office Order No. JS/ANG(5) dated 22.6.2006 and Office Order No. JS/ANG(1) 37254 dated 31.7.2006. Both the Office Orders are taken on record.

From a perusal of the Office Order dated 22.6.2006, it appears that the services of the appellant have been directed to be regularised in the post of Junior Engineer (Mechanical) with retrospective effect i.e. from 17.10.1989. By reason of the Office Order dated 31.7.2006, the appellant is said to have been placed in the Pay Scale of 6400-200-7000-220-8100-275-10300-340-10640 w.e.f. 21.10.1997 and also had been designated as Assistant Engineer and given a status of Class-II Gazetted Officer.

In view of the stand taken by the respondent-State, we are of the opinion that the High Court judgment does not survive. The appeals are disposed of accordingly.

.....J.

[S.B. SINHA]

.....J.

[MARKANDEY]

KATJU]

New Delhi,

JANUARY 11, 2007