

x9ITEM NO.1 COURT NO.4 SECTION IVB
(Part-heard)
SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).12379/2008

(From the judgement and order dated 25/03/2008 in CWP No. 4806/2008 of the HIGH COURT OF
PUNJAB & HARYANA AT CHANDIGARH)

PRABHJOT SINGH MAND & ORS. Petitioner(s)

VERSUS

BHAGWANT SINGH & ORS. Respondent(s)

(With prayer for interim relief and office report)
(FOR FINAL DISPOSAL)

WITH

SLP(C) NO. 12380 of 2008
(With prayer for interim relief and office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 12611-12615 of 2008
(With prayer for interim relief and office report)
(FOR FINAL DISPOSAL)

Date: 22/10/2008 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s) Mr. Raju Ramachandran, Sr.Adv.
(in SLP(C)12379/08 Mr. S. Udaya Kumar Sagar,Adv.
& 12611-12615/08)Ms. Rachana Joshi Issar,Adv.
Ms. Bina Madhavan,Adv.
Mr. Hemal K. Sheth,Adv.
for M/S. Lawyer'S Knit & Co,Advs.

(in SLP 12380/08) Mr. Gurminder Singh,Adv.
Mr. S. Udaya Kumar Sagar,Adv.
Ms. Bina Madhavan,Adv.
Mr. Hemal K. Sheth,Adv.
for M/S. Lawyer'S Knit & Co,Advs.

For Respondent(s) Mr. P.S. Patwalia, Sr.Adv.
(in SLP(C)12379/08) Mr. R.D. Bawa,Adv.
Mr. Dhiraj,Adv.
Mrs. Reeta Dewan Puri,Adv.
Mr. P.N. Puri,Adv.

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For State Dr. Rajeev Dhawan, Sr.Adv.
Mr. Ajay Pal,Adv.
Mr. Nikhil Jain,Adv.
Mr. Gagan Deep Sharma,Adv.

(in SLP(C)
12611-12615/08) Mr. D.V. Sharma, Sr.Adv.
Ms. Shikha Roy Pabbi,Adv.
Mr. Ajit Kumar,Adv.
Mr. S.K. Sabharwal,Adv.

UPON hearing counsel the Court made the following
ORDER

Mr. D.V. Sharma, learned senior counsel appearing on behalf of the respondents resumed arguments at 10.35 a.m. and concluded at 11.00 a.m. Thereafter, Mr. P.S. Patwalia, learned senior counsel appearing on behalf of the respondents and Dr. Rajeev Dhawan, learned senior counsel appearing on behalf of the State made their reply made arguments for about half an hour.

Arguments concluded.

The operative portion of the judgment, as contained in the signed order, is pronounced here and now and the matter is reserved for assigning detailed reasons therefor.

Leave is granted in all the SLPs.

The appeals are allowed and the impugned orders are modified to the extent mentioned in the signed order.

(A.S. BISHT)
MASTER

(PUSHAP LATA BHARDWAJ) COURT
COURT MASTER

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

CIVIL APPEAL NO. 6253 OF 2008
[Arising out of SLP(C) No. 12379/2008]

PRABHJOT SINGH MAND AND ORS. ... APPELLANT(S)

:VERSUS:

BHAGWANT SINGH AND ORS. ... RESPONDENT(S)

WITH

CIVIL APPEAL NO. 6254 OF 2008
[Arising out of SLP(C) No. 12380/2008]

CIVIL APPEAL NOS. 6255-6259 OF 2008
[Arising out of SLP(C) No. 12611-12615/2008]

ORDER

Leave is granted in all the SLPs.

The Union of India and the Union Public Service Commission are parties before us. Although the Union of India has filed counter affidavit, nobody has appeared on its behalf. The Union Public Service Commission is represented by Ms. Binu Tamta.

Heard the learned counsel for the parties quite at length.

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As all these appeals are preferred against the interim orders passed by the High Court of Punjab and Haryana at Chandigarh, being orders dated 25.3.2008, 3.4.2008 and 10.4.2008 and having regard to the fact that a large number of contentions have been raised before us, we are of the opinion that the operative portion of the judgment may be pronounced here and now. Detailed reasons therefor, however, would be assigned later on.

"(1) The appeals are allowed, modifying the impugned orders of the High Court to the following extent:

(a) That portion of the impugned orders whereby and whereunder the High Court has stayed the reversion of the writ petitioners, who are respondents in these appeals, shall stand vacated. However, they shall be adjusted against any of the 12 vacancies which are stated to be existing and in respect of which steps are being taken to send requisition to the Union of India for making appointment. The writ petitioners-respondents will be entitled to continue against those vacancies only till appointment against those vacancies is notified by the Union of India.

(b) The appellants before us must be appointed to the cadre of IAS in terms of the seniority list dated 4th April, 2007.

(c) The above directions shall, however, be subject to the ultimate result of the writ petitions which are pending before the High Court.

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(2) We in exercise of our jurisdiction under Article 142 of the Constitution of India, further direct the State of Punjab to send the requisition for filling up all the above mentioned 12 vacancies in the cadre of IAS, to the Union of India and the Union Public Service Commission, as expeditiously as possible and preferably within a period of three weeks from today. Both Union of India and Union Public Service Commission are hereby directed to consider the requisition sent by the State of Punjab in respect of the aforementioned 12 vacancies as expeditiously as possible and preferably within a period of 16 weeks from the date of communication of the requisition.

(3) We would request the High Court to consider the desirability of disposing of the pending writ petitions as expeditiously as possible, preferably with a period of three weeks from today."

.....J
(S.B. SINHA)

.....J
(CYRIAC JOSEPH)

NEW DELHI,
OCTOBER 22, 2008.