

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).14296-14297/2008

(From the judgement and order dated 30/10/2007 in SA No.99/1999 dated 02/05/2008 in SA No.99/1999,CMRA No.265023/2007 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

YOGENDER KUMAR PAL

Petitioner(s)

VERSUS

STATE OF U.P.& ANR.

Respondent(s)

(With appln(s) for directions,permission to file additional documents and prayer for interim relief and office report)
(For final disposal)

WITH SLP(C) NO. 14791-14792 of 2008

(With appln. for directions and with prayer for interim relief and office report)
(For final disposal)

SLP(C) NO. 31196-31197 of 2008

(With prayer for interim relief and office report)
(For final disposal)

Date: 03/02/2014 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIL R. DAVE
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Petitioner(s)

Mr. P.N. Misra,Sr.Adv.
Mr. Rajeev Dubey,Adv.
Mr. Shekhar Kumar,Adv.

Mr. Rakesh Dwivedi,Sr.Adv.
Mr. Vishwajit Singh,Adv.
Mr. Abhindra Maheshwari,Adv.
Mr. Pankaj Singh,Adv.
Mr. Umrao S. Rawat,Adv.
Mr. Sambhavya,Adv.

..2/-

.2.

For Respondent(s)

Mr. P.S. Patwalia,Sr.Adv.
Mr. M.R. Shamshad,Adv.
Mr. Vivek Vishnoi,Adv.

Mr. Ranbir Singh Yadav,Adv.
Ms. Anzu K. Varkey,Adv.

Mr. Pallav Shishodia, Sr. Adv.
Mr. Manoj K. Mishra, Adv.

Mr. N.S. Dalal, Adv.
Mr. D.P. Singh, Adv.
Mr. Pankaj Gupta, Adv.

Mr. Pramod Swarup, Adv.
Ms. Pareena Swarup, Adv.
Ms. Alka Sinha, Adv.
Mr. Anuvrat Sharma, Adv.

Mr. Shail Kumar Dwivedi, Adv.
Ms. Shilpa Singh, Adv.

Mr. Yash Pal Dhingra, Adv.
Mr. Sudhir Nagar, Adv.

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

Civil Appeal Nos.1845-1846 of 2014 arising out of
SLP(C)Nos.14296-14297 of 2008 & Civil Appeal Nos.
1847-1848 of 2014 arising out of 14791-14792 of
2008 :

Leave granted.

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

SLP(C)NOS.31196-31197 OF 2008 :
List the matters on 10th February, 2014.

| (Sarita Purohit) | | (Sneh Bala Mehra) | |
| Court Master | | Assistant Registrar | |

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

CIVIL APPEAL NOS.1845-1846 OF 2014
(Arising out of SLP(C)Nos.14296-14297/2008)

YOGENDER KUMAR PAL ... APPELLANT(s)

VS.

STATE OF U.P. & ANR. ... RESPONDENT(s)

WITH

CIVIL APPEAL NOS.1847-1848 OF 2014
(Arising out of SLP(C)Nos.14791-14792/2008)

O R D E R

Leave granted.

Learned counsel for the rival parties do not dispute that the appellants appointed against vacancies which were never filled up, consequent upon the selection made by the respondent, will be governed by the judgment rendered by this Court in State of J & K Vs. Sat Pal (Civil Appeal Nos.938-939 of 2013 arising out of SLP(C)Nos.31591-31592 of 2012) decided on 5th February, 2013. Ordered accordingly.

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An additional affidavit dated 27th August, 2013, has been filed on behalf of the State of U.P. - Respondent No.1.

Paragraphs 7 and 8 of the afore-stated affidavit is being extracted hereunder :

"7. That upon deliberation of the facts, especially in deference to the oral observations of this Hon'ble Court and further keeping in view the humanitarian aspects attached and the dependents of the persons who have continued in service on the basis of the order of the High Court, a view was taken in the said meeting that they may be considered to be allowed to remain in service but keeping in view of the implications with respect to different batches of the employees having joined on different dates in their regular appointments, the seniority of these petitioners including the others who are similarly placed (total 39), shall have to be considered after 16.03.2005, the date on which last 2001 batch of direct recruitment has taken place.

8. That the said view to place them in seniority from 16.03.2005 have been taken in view of the fact that three batches of direct recruitment (i.e. 1995 batch, 1999 batch and 2001 batch) have joined and the last joining took place on 16.03.2005. These 28 petitioners herein (claimants) and other 11 who are not party to these proceedings, shall have to be placed before the said last appointee in view of the fact that it will become very difficult to reschedule and manage the seniority list. Even if the said efforts would be made, then that will create multiple causes of action for innumerable litigations by different parties claiming to be affected by the said rescheduling of the existing seniority list."

..3/-

It was acknowledged by the learned counsel representing the State of Uttar Pradesh, during the course of hearing, that the position expressed in paragraphs 7 and 8 relates to such of the appellants who have been appointed against vacancies which were filled up in the first instance, but thereafter, became available again.

Learned counsel for the appellants states that he has no objection to the disposal of the instant appeals, in respect of the remaining appellants, in terms of the offer made by the State of U.P., as has been recorded in paragraphs 7 and 8 of the additional affidavit.

In view of the above, the instant appeals, with the consent of the parties, are disposed of in the aforesaid terms.

.....J.
[ANIL R. DAVE]

.....J.
[JADISH SINGH KHEHAR]

New Delhi;
3rd February, 2014.