

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. 2406 OF 2000@@  
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UNION OF INDIA AND ORS. ...APPELLANTS

VERSUS

MAIBAM RAJESH SINGH ...RESPONDENT

Date : 23/04/2003 This appeal was called on for hearing today.

CORAM :  
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL  
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Appellant (s) Mr. N.N. Goswami, Sr.Adv.  
Ms. Anjani Aiyagari, Adv.  
Mr. S.N. Terdal, Adv.  
for Mr. B.K. Prasad, Adv.

For Respondent (s) Mr. Suresh C. Gupta, Adv.  
Mr. A. Guneshwar Sharma, Adv.  
Mr. Kamal Mohan Gupta, Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....J  
.SP2

Heard learned counsel for the parties for 5 minutes.

The appeal is dismissed in terms of the signed order with no order as to costs.

.SP1

Sarita (Kanwal Singh)  
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2406 OF 2000@@  
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MAIBAM RAJESH SINGH

...RESPONDENT

O R D E R@@  
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.....L.....I.....T.....T.....T.....T.....T.....J  
.SP2

The order dated 2.11.1998 passed by the Division Bench of the High Court is under challenge which reads :

.....L....I....T.....T.....T.....T.....T...J  
.SP1

"The respondent herein, in terms of the judgment and order of the learned Single Judge, shall be given appointment on adhoc basis till the post is regularly filled up. This shall be done within a period of one month from today."

.....L.....I.....T.....T.....T.....T.....T.....J  
.SP2

By the said order, the respondent was directed to be appointed on adhoc basis till the post is regularly filled up. During the course of the hearing, the learned counsel for the respondent submitted that the respondent was appointed on 22nd April, 1999 as a Lower Division Clerk on compassionate ground purely on provisional basis, subject to the final outcome of the special leave petition to be filed in the Supreme Court. The learned counsel for the appellants contended that no direction could have been given by the High Court to appoint the

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respondent, at best the High Court could direct the Authorities to consider the case of the respondent for appointment.

On the other hand, learned counsel for the respondent contended that the respondent has been appointed as early as on 22nd April, 1999, even before filing the special leave petition in this Court. The interim order was passed by this Court for the first time on 13.12.1999. He submitted that the respondent has been working since 22nd April, 1999 and at this stage, his appointment may not be disturbed.

Under the impugned order, the appointment itself was directed to be made till the post is regularly filled up. Now that the respondent has already been appointed and is working, we think it unnecessary to disturb the impugned order. As stated in the impugned order, it is open to the Authorities to make a regular appointment and till such time the post is filled up, the respondent shall continue to work on adhoc basis.

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Under these circumstances, we decline to

interfere with the impugned order and dismiss the appeal,  
but, with no order as to costs.

.SP1

.....J.  
(SHIVARAJ V. PATIL)

New Delhi,  
April 23, 2003.

.....J.  
(ARIJIT PASAYAT)

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