

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.18554/2000

(From the judgement and order dated 05/07/2000 in LPA 86/91
of The HIGH COURT OF J & K AT JAMMU)

ANJINA RAINA

Petitioner (s)

VERSUS

UNIVERSITY OF KASHMIR & ANR.

Respondent (s)

(With prayer for interim relief)

Date : 24/11/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M. JAGANNADHA RAO
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s) Mr. M.N. Krishnamani, Sr. Adv. with
Mr. Bimal Roy Jad,Adv.

For Respondent (s)

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

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.SP2

The petitioner was appointed on adhoc basis as a Lecturer in the Home Science Department of Kashmir University on 15.4.1983 for a period of six months. The said appointment was extended from time to time. Ultimately an order was passed on 1.3.1990 that the appointment of the petitioner would continue till regular appointments were made. The petitioner filed a writ petition for regularisation and the learned Single Judge passed an order on 22.3.1991 holding that the
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-2-

petitioner cannot be regularised. But the learned Judge directed the respondents to continue the petitioner in the post of Lecturer in the Institute of Home Science on adhoc basis till the post is substantively filled up through proper selection in which petitioner should also be allowed to participate, if eligible under the rules.

Against the said order, the petitioner filed LPA No.86/91. During the pendency of the LPA several interim orders were passed one of which is dated

6.8.1999 which directed the respondents that the petitioner should be treated as a migrant employee entitled to the benefits of the order of the Government of Jammu & Kashmir dated 16.7.1990 for payment of salary etc.

The interim order of the High Court reads as follows:-

.SP1

"We, therefore, direct the respondents that they shall treat the appellant as migrant in accordance with the rules on the subject. She shall also be paid as a migrant. This shall be subject to final result of the appeal."

.SP2

Ultimately the LPA came up for disposal on 5.7.2000. The Division Bench affirmed the order of the learned Single Judge that the petitioner should be continued on adhoc basis till the post was substantively filled up in accordance with the procedure laid down by law.

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So far as the final orders passed by the Division Bench and the learned Single Judge are concerned, we do not find any error therein.

Learned senior counsel appearing for the petitioner, however, submits that the interim order passed in favour of the petitioner on 6.8.1993 by the Division Bench in the LPA that the petitioner should be treated as migrant in accordance with the Rules and shall be paid as a migrant, has not been implemented so far. Such a relief has been, it is stated, granted to all migrants except the petitioner.

This being an interim order passed during the pendency of the appeal, it will be necessary for the petitioner to request the Division Bench of the High Court to consider the inclusion of the said relief in the final order passed by the Division Bench on 5.7.2000. We, therefore, permit the petitioner to move the High Court in LPA seeking inclusion of the relief granted in her favour on 6.8.1993 in the final order of the Division Bench dated 5.7.2000. If any application is filed for the aforesaid purpose, the High Court may consider the same and pass orders in accordance with law, after hearing the respondents. With the aforesaid observations, the special leave petition is dismissed.

.SP1

(K.K. Chawla)
Court Master

(D.D. Jindal)
Court Master