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C.A.No. 597-598 OF 1998

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal Nos. 597-598 of 1998@@
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Kalpana Mohanty & Ors. ...Appellant (s)

Versus

State of Orissa & Ors. ...Respondent(s)

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The appellants were selected by a Selection Board for appointment as Primary School Teachers in the District of Cuttack in the State of Orissa. In all, there were 102 candidates who were selected. Not being appointed in spite of the selection, 25 of them approached the State Administrative Tribunal (for short "the Tribunal"). The stand of the State Government was that because of a ban order from the State Government, the appointment could not be made. The Tribunal came to the conclusion that the ban order would not take away the right of the applicants before it and, therefore, directed appointment of those 25 persons who had approached the Tribunal. Against that order, the State Government came to this Court, but the special leave petition stood dismissed in the year 1991. Subsequent to the said order, the present appellants approached the Tribunal in the year 1996, claiming that they should also get the same relief as was given to 25 others who had approached the Tribunal on earlier occasion.

Be it stated that the appellants were appointed as Primary School Teachers w.e.f. 1994. The grievance of the

appellants before the Tribunal, therefore, was that they should at least be given their backwages, seniority, continuity in service and increment from 1990. The Tribunal, however, by the impugned order, has granted them seniority and continuity of service and also directed that the period should be counted for the purpose of their increment, but refused the prayer of backwages. It is against that order, the present appeals have been preferred.

Mr. A.C. Pradhan, learned counsel appearing for the appellants, vehemently contended that the appellants having discharged the duties from 1990 and the Tribunal having given the relief of increment and continuity in service from the date of the appointment, there would be no rhyme or reason to deny the relief of backwages particularly when other similarly situated persons have already got the same pursuant to the earlier order of the Tribunal, which stood affirmed by this Court by rejecting the special leave petition. We are unable to persuade ourselves to accept this contention as, in our view, merely because the appellants were selected, no right can be said to have been conferred on them if they did not approach the appropriate authority in time. Be that as it

UPON hearing counsel, the Court passed the following
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The appeals are dismissed in terms of the signed
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(J.S. Rawat)
Court Master

(V.P. Tyagi)
Court Master

(Signed order is placed on the file)