

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

CIVIL APPEAL NOS.144-146 OF 2001@@
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STATE OF HARYANA & ORS. ...APPELLANTS

VERSUS

DARSHAN KUMAR & ORS. ...RESPONDENTS
(With appln.(s) for permission to place addl. documents on
record and with office report0

Date : 11/03/2003 These appeals were called on for hearing today.

CORAM :

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

For Appellant (s) Mr. Neeraj Kumar jain, Adv.
Ms. Kavita Wadia, Adv.
for Ms. H. Wahi, Adv.

For Respondent (s) Mr. L. Nageshwara Rao, Sr.Adv.
Mr. Jasbir S. Malik, Adv.
for Mr. S.K. Sabharwal, Adv.

UPON hearing counsel the Court made the following
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Mr. Neeraj Kumar Jain, learned counsel for the
appellants argued the matter for 20 minutes. Then, Mr.
L. Nageshwara Rao, learned Senior Counsel for the
respondents made his submissions in reply for 5 minutes.

The appeals are dismissed in terms of the signed
order.

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Sarita (Shelly Sengupta)@@

AA

Court Master@@

AA

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 144-146 OF 2001@@  
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The State of Haryana and others are before us in these appeals assailing the orders passed in the Writ Petition directing the appellants to regularise the services of the respondents herein.

At the outset during hearing we are told that as on today all the respondents' services are regularised. The only controversy remained to be resolved is as to the date of regularisation of the services of the respondents.

Mr. Neeraj Kumar Jain, learned counsel for the appellants contended that although the services of all the respondents are regularised, the regularisation cannot be from the date as directed in the order of the High Court in view of the fact that vacancies were not available on the various dates from which respondents seek regularisation of their services. The learned counsel also submitted that there will be difficulty in case large number of persons similarly placed start claiming similar relief.

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In the light of the facts stated above as on today, the services of all the respondents are regularised. The controversy is only with regard to the date from which their services should be considered as regularised as per the circulars or instructions prevailing on the relevant date. The High Court on the facts of the case and in the light of defence taken by the appellants has passed the impugned orders giving directions accordingly. The contention that there were no vacancies for regularising the respondents from the date they claim that their services should be regularised, was not raised before the High Court. This contention, if it is to be examined, requires factual verification. In the absence of such a plea there was no scope for the respondents to meet such a plea and as such the High Court was also not in a position to examine this question. It will not be appropriate at this length of time for us to consider this question for the first time in these appeals.

In these circumstances, We do not think it is appropriate to interfere with the impugned orders. Declining to do so, we dismiss these appeals. However, we must add that we have dismissed these appeals having regard to the peculiar facts and circumstances of the case in a

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given set of facts and looking to the contentions raised. If others claim regularisation from such date, it is open to the appellants to raise all the pleas available to them including the question of availability of vacancies, as and when necessity arises. We also make it clear that on account of the regularisation from the given dates the respondents shall not be entitled to any monetary claims by way of arrears or otherwise.

.SP1

.....J.  
(Shivaraj V. Patil)

New Delhi,  
March 11, 2003.

.....J.  
(Arijit Pasayat)