

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 (Civil) No(s).11504/2006

(From the judgement and order dated 29/03/2004 in WA No. 4028/2003 of The
HIGH COURT OF KARNATAKA AT BANGALORE)

STATE OF KARNATAKA & ANR.

Petitioner(s)

VERSUS

S.K. HALAPPA & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 19/02/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. MATHUR

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Petitioner(s)

Mr. Sanjay R. Hegde, Adv.

Mr. Anil K. Mishra, Adv.

Mr. Vikrant Yadav, Adv.

For Respondent(s)

Mr. Girish Ananthamurthy, Adv.

Mrs. Vaijyanthi Girish, Adv.

Mr. P.P. Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal stands disposed of in terms of the signed order.

(K.K. Chawla)

Court Master

(Anand Singh)

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.838 OF 2007

[ARISING OUT OF SLP(CIVIL) NO.11504 OF 2006]

STATE OF KARNATAKA & ANR.

Appellants

VERSUS

S.K. HALAPPA & ORS.

Respondents

O R D E R

Leave granted.

We have perused the order passed by the High Court dated

29.3.2004 whereby the Division Bench has directed that Government

will consider each case independently in accordance with law, within ten weeks from today for regularisation. Suffice it to say that Respondent No.1 (herein) was appointed on a daily wages and he continued for quite some time and thereafter he filed writ petition before the High Court for regularisation on permanent basis with all consequential benefits. The High Court directed the State to consider the case of Respondent No.1 in accordance with law and within 10 weeks. Aggrieved against this order, the State is in appeal by way of special leave petition

We have heard learned counsel for the parties and perused the record. In our view, the point involved in this appeal has been decided by this Court in the case of Secretary, State of Karnataka and Others v. Uma Devi(3) and others, (2006) 4 SCC 1. The regularisation has now been held to be bad in law. But certain observations have been made in the aforesaid judgment. Therefore, in the fitness of things, we set aside the order of the High Court and remit the matter back to the High Court for fresh consideration in light of the law laid down in Uma Devi's case (supra).

The appeal stands disposed of accordingly.

.....J.

(A.K. Mathur)

.....J.

(Dalveer Bhandari)

New Delhi;

February 19, 2007.