

SECTION: XIV
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos. 813-814 OF 2011
WITH
INTERLOCUTORY APPLICATION NOS. 7-8
(Application for directions)

AND
INTERLOCUTORY APPLICATION NOS. 9-10, 11-12
(Application for permission to appear and argue-in-person)

Harmohinder Pal Singh & Anr. ...Appellants

Versus

Union of India & Ors. ...Respondents

REVISED OFFICE REPORT

The appeal above mentioned was listed before the Hon'ble Court on 19.08.2015, when the Court was pleased to pass the following order:-

"C.A. No. 813-814/2011

We have heard learned counsel for the parties for some time.

Learned counsel for the appellants - Harmohinder Pal Singh and Anr. submits that the decision of this case is likely to have an impact on some other diploma holders who have acquired a degree and are today working as Assistant Engineers. He makes an oral request to make them as party respondents.

His oral request is accepted. Amended memo of parties be filed within three days.

On the amended memo of parties being filed, notice may be issued to the newly added respondents returnable in four weeks.

Ms. Kiran Suri, learned counsel appearing on behalf of the Union of India says that she would like to file an additional affidavit. She may do so within a week.

Reply, if any, to the additional affidavit may be filed thereafter.

Learned counsel for the Union of India says that there are a large number of posts of Executive Engineer that are lying unfilled because of the interim order passed by this Court on 17.01.2011.

We modify the interim order and permit the Union of India to make the promotions to the post of Executive Engineer. However, we make it clear that the promotions will be subject to the outcome of this appeal."

It is submitted that as directed above notice was issued to the newly added respondent nos.7 to 26 on 08.09.2015 through Mr. Jagdish Bhagat, Chief Engineers, New Delhi. Mr. P.K. Agarwal and Mr. K.K. Goel, Respondent in persons have put in appearance on behalf of

Respondent Nos. 9 and 19. Service report has been received from the newly added respondent in respect of Respondent Nos. 7, 8, 10 to 18 and 20 to 27 but no one has entered appearance on their behalf so far. Service of notice of lodgement petition of appeal is complete.

It is further submitted that Mr. S.N. Terdal, Advocate has on 10.09.2015 filed additional affidavit. Mr. Satya Mitra Garg, Advocate has on 26.02.2016 filed reply on behalf of Respondent No. 4. (Copy of the same has been included in Appeal paper Books.)

It is further submitted that notice of hearing for 02.03.2016 to added respondent was issued by special messenger on 29.02.2016.

It is further submitted that Respondent No. 8 i.e. Mr. S.K. Vaid in person has on 29.02.2016 filed counter affidavit but he has not filed application for permission to appear and argue in person. Copy of the Counter Affidavit has been placed in Appeal Paper Books.

It is further submitted that Respondent No. 19 i.e. Mr. K.K. Goel in person has on 29.02.2016 filed counter affidavit (copy of the same has been placed in appeal paper books).

It is further submitted that newly added Respondent Nos. 9 and 19 has on 30.09.2015 filed memo of appearance to argue in person, the matter was placed before Ld. Registrar (J-III) on 20.11.2015, when she was pleased to pass the following order:-

"It is submitted that Mr. P.K. Aggarwal, Respondent No. 9 and Mr. K.K. Goel, Respondent No.19 has filed an Application for permission to appear and argue-in-person. Respondent appeared before the undersigned today.

In accordance with the proviso to Order IV, Rule 1 (c) of the Supreme Court Rules, 2013, the undersigned interacted with the Respondent from which it transpires that though the Respondent above-named is qualified Civil Engineer he will not be able to argue and address the Court in an appropriate manner and will not be able to give the necessary assistance to the Hon'ble court for the proper disposal of of the instant matter. The undersigned offered the respondent that the services of an Amicus Curiae be provided to him, for which he refused.

Since the Respondent is not in a position to assist the Court, it would be in the interest of justice and fair play to provide assistance of an Amicus Curiae to the Respondent. The report is placed accordingly."

The Appeals alongwith applications above mentioned are listed before the Hon'ble Court with this office report.

DATED THIS THE 01st DAY OF MARCH, 2016.

ASSISTANT REGISTRAR.

Copy to :

1. Mr. Avijit Bhattacharjee, Adv.
2. Mr. Satya Mitra Garg, Adv.
3. Ms. Madhumita Bhattacharjee, Adv
4. Mr. S. N. Terdal, Advocate

ASSISTANT REGISTRAR.