

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8295/2010

KRISHNA DEVI

Appellant(s)

VERSUS

NARESH KUMAR & ORS.

Respondent(s)

WITH

C.A. No. 8297/2010 (IV)

O R D E R

We have heard learned counsel for the parties. None represents the contesting respondents who are the original plaintiffs in the suit from which these proceedings arise.

Learned counsel representing the appellant(s) has handed over to us a list of fourteen original plaintiffs (respondent Nos.1 to 14). Nine of these plaintiffs have since retired. The result of the decrees passed by the trial Court, appellate Court and sustained in the Second Appeal would have resulted in removal from service of the plaintiffs on the ground that these plaintiffs were appointed on the compassionate ground against vacancies to be filled in by promotion. The effect of these decrees was stayed by this Court on 11.09.2008 by directing status quo.

We may note that the appointments took place in the year 1999-2000 i.e. almost 20 years ago. These persons have continued to work and earn their promotions.

Insofar as the four surviving persons in service out of the plaintiffs are concerned, for the promotion post at least three of them would not have qualified. However, in view of the carving out

of the separate list, it is stated that there is no real lis between the fourth one and the appellant(s).

It appears that time period of two decades has, in a way, solved the problem.

We see no purpose in now seeking removal of the original plaintiffs/appellants herein when one of them has only two years to retire. We feel it is a fit case where we should exercise power under Article 142 of the Constitution of India to do complete justice which would require the appellants to continue to work with the respondent Bank till they demit office making it clear that we are leaving all questions of law open.

The direction contained in the decrees to the effect directing removal of the appellants is thus set aside.

The appeals are disposed of.

..... J.

[SANJAY KISHAN KAUL]

..... J.

[K.M. JOSEPH]

NEW DELHI;

AUGUST 14, 2019.

ITEM NO.104

COURT NO.9

SECTION IV

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

Civil Appeal No(s). 8295/2010

KRISHNA DEVI

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VERSUS

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WITH

C.A. No. 8297/2010 (IV)

Date : 14-08-2019 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPHFor Appellant(s) Mr. Jasbir Singh Malik, Adv.
Mr. Manish Kumar Tirthpuria, Adv.
Ms. Usha Nandini. V, AOR

Mr. Rao Ranjit, AOR

For Respondent(s) Mr. Manjeet Singh, Sr. Adv.
Mr. Upender Narayan Mishra, Adv.
Ms. Beena, Adv.
Mr. Sanjay Kumar Rathee, Adv.
Mr. Kamal Mohan Gupta, AOR

Ms. Susmita Lal, AOR

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

The appeals are disposed of in terms of the signed order.

Pending application, if any, stands disposed of.

(ASHA SUNDRIYAL)
COURT MASTER(ANITA RANI AHUJA)
COURT MASTER

[Signed order is placed on the file]