

ITEM NO.45

COURT NO.6

SECTION XI

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

Petition(s) for Special Leave to Appeal (Civil) No(s).18441/2007

(From the judgement and order dated 22/05/2007 in WP No.6801/2002 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

RAJENDRA SINGH

Petitioner(s)

VERSUS

VICE CHANCELLOR, UNIV. OF ALLAHABAD & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and intervention and with prayer for interim relief and office report)

WITH

SLP(C) NO. 22534 of 2007

SLP(C) NO. 28995-28996 of 2008

(With appln.(s) for substitution and c/delay in filing substitution appln.and office report)

SLP(C) NO. 4796-4797 of 2009

(With office report)

T.P.(C) NO. 1281-1297 of 2011

(With appln.(s) for stay and office report)

Date: 30/03/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. Vishwajit Singh, Adv.
 Mr. Abhindra Maheshwari, Adv.

Dr. I. B. Gaur, A.O.R. (Not Present)

For Respondent(s) Mr. S. R. Singh, Sr. Adv.
 Mr. D. N. Dubey, Adv.
 Mr. M. K. Chaudhary, Adv.
 Mr. Sushant K. Yadav, Adv.
 Ms. Namita Choudhary, Adv.

Mr. R. K. Rathore, Adv.
Mr. Vipul Maheshwari, Adv.
Mr. Aseem Chandra, Adv.
Mr. D. S. Mahra, A.O.R. (Not Present)

Mr. A. Chaudhary, Adv.

Mr. B. V. Balaram Das, A.O.R. (Not Present)

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Mr. Shrish Kumar Misra, Adv.
Mr. Ajay Kr. Singh, Adv.

Mr. S. K. Bandyopadhyay, Adv.
Mr. Dharam Bir Raj Vohra, A.O.R.

For RR-1 & 6 in
TP(C) Nos. 1281-1297/
2011

Mr. Shawana Ban, Adv.
Mr. Mohinder Rupal, Adv.

Mr. Deba Prasad Mukherjee, Adv.

In TP(C)Nos.1281-
1297/2011

Mr.Dipak Bhattacharya, Adv.
Mr.Rajesh Kumar, Adv.
Mr.Satish Aggarwal, Adv.

Mr.Mohinder Jit Singh, Adv.

Mr.Snehasish Mukherjee, Adv.
Mr.Asit Kumar Ray, Adv.
Mr.Sunil Murarka, Adv.

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

SLP(C)No.18441 of 2007

This petition is directed against order dated 22.05.2007 of the Division Bench of the Allahabad High Court whereby the writ petition filed by the petitioner for issue of a mandamus to the respondents to pay him pension and other retiral benefits was dismissed.

After the arguments were heard for about 20 minutes, Shri Vishwajit Singh, learned counsel appearing for the petitioner made a request that his client may be permitted to withdraw the special leave petition as also the writ petition filed before the High Court with liberty to make a representation to the Central Government for the following reliefs:

i) Issue of notification in terms of Memorandum of Understanding entered into between the Union of India and the

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Allahabad University on 21.05.1990 for integration of Agro-Economic Research Centre, Allahabad with retrospective effect so as to enable him and other similarly situated persons to claim benefits at par with the employees of University holding corresponding posts as also retiral benefits.

ii) Grant of benefit in terms of letter F.No.5-13/84-RC-ES issued by the Directorate of Economics & Statistics (Department of Agriculture and Cooperation), Ministry of Agriculture and R.C., Government of India dated 27.02.1986.

In the peculiar facts of the case, we accept the request of the learned counsel and allow the petitioner to withdraw the special leave petition as also Civil Miscellaneous Writ Petition

No.6801 of 2002 filed before the High Court with liberty in terms of the prayer made.

Keeping in view the fact that the petitioner had retired from service in 2001, we direct the concerned authority of the Central Government to take appropriate decision on the petitioner's representation within a period of four months of its receipt.

If the representation made by him is not decided within the period specified in this order or the decision taken by the Central Government is adverse to him then the petitioner shall be free to file fresh petition in the High Court.

SLP(C)No.22534 of 2007

This petition is directed against order dated 22.05.2007 of the Division Bench of the Allahabad High Court whereby the writ petition filed by the petitioner for issue of a mandamus to the respondents to give him benefit at par with the teaching staff of

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the University of Allahabad was dismissed.

After the arguments were heard for about 20 minutes, Shri Vishwajit Singh, learned counsel appearing for the petitioner made a request that his client may be permitted to withdraw the special leave petition as also the writ petition with liberty to make a representation to the Central Government for grant of relief at par with the teaching staff of the University.

The request of the learned counsel is accepted and the special leave petition is disposed of in terms of the order passed in SLP(C) No. 18441 of 2007.

SLP(C) Nos. 28995-28996 of 2008

Delay condoned.

The application for substitution is allowed.

Since no one has appeared for the petitioner, the special leave petitions are dismissed for non-prosecution.

SLP(C) Nos.4796-4797 of 2009

Since no one has appeared for the petitioners, the special leave petitions are dismissed for non-prosecution.

These petitions have been filed by the Union of India under Article 139A of the Constitution for transfer of the writ petitions / writ appeals pending before the High Courts of Allahabad, Andhra Pradesh, Delhi and Calcutta on the ground that the issues raised therein are identical and there is every possibility that conflicting decisions will be rendered by different High Courts. Another plea taken by the Union of India is

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that the writ petitions / writ appeals pending before different High Courts have been filed by the employees of the Agro-Economic Research Centres attached with different universities and it will be in the interest of justice that question of their entitlement to get pension, etc., is decided by this Court.

We have heard learned counsel for the petitioner and carefully perused the record. In our view, there is no valid ground much less justification for entertaining the prayer made by the petitioner. As a matter of fact, transfer of the cases pending before the different High Courts to any one High Court or this Court would cause serious injustice to the respondents because it will make virtually impossible for them to effectively prosecute their cause.

The transfer petitions are accordingly dismissed.

Pending IAs, if any, in all the above matters are disposed of accordingly.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master