

CIVIL APPEAL NOS. 9165-72 OF 2010, 6716 OF 2013 & SLP © 19001 OF 2013

WITH

INTERLOCUTORY APPLICATION NOS. 49-56 IN C.A. 9165-9172 OF 2010

(For impleadment filed on 22.11.2012 by Ms. Shalu Sharma, Advocate on behalf of Mr. Awdhesh Kumar Saxena & Mr. Santosh Kumar Srivastava, applicants)

AND

INTERLOCUTORY APPLICATION NO. 61 IN C.A. 9165-9172 OF 2010

(For impleadment filed on 05.08.2014 by Mr. Satish Kumar, Advocate on behalf of Sh. Vimal Kumar Awasthi, applicant)

AND

INTERLOCUTORY APPLICATION NO. 62 IN C.A. 9165-9172 OF 2010

(For impleadment filed on 05.08.2014 by Mr. Satish Kumar, Advocate on behalf of Sh. Ram Gopal Raghav, applicant)

AND

INTERLOCUTORY APPLICATION NO. 2 IN C.A. 6716 OF 2013

(For impleadment filed on 05.08.2014 by Mr. Satish Kumar, Advocate on behalf of Sh. Bal Chand and 2 others, applicants)

SUNIL KUMAR VERMA & ORS. ETC.

...APPELLANTS/PETITIONER

VERSUS

STATE OF UP & ORS.

...RESPONDENTS

REVISED OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Court on 23.05.2014, when the Court was pleased to pass the following order:

“C.A.Nos.9165-9172 of 2010

Heard in part.

We have heard Mr.Amrendra Sharan, learned senior counsel for the appellant, Mr.Pramod Swarup, learned senior counsel for the State of U.P. and Mr.Sunil Kumar Verma, one of the appellants who has appeared in-person.

Mr. Amrendra Sharan, learned senior counsel, apart from assiduously putting forth certain legal submissions also contended that the State of Uttar Pradesh has not appositely treated the appellants on technical and flimsy grounds, though quite a number of employees have been absorbed in various departments of the Government and other Corporations. Learned senior counsel further submitted that the State-owned Corporations under the obtaining factual matrix, should have shown the attitude of a model employer in a socialistic democratic body polity, but on the contrary, the State had issued a set of Rules, namely, Uttar Pradesh Absorption of Retrenched Employees of Government or Public Corporations in Government Service (Rescission) Rules, 2003 to destroy the means of livelihood of the employees.

We have been apprised at the Bar that the employees whose services have been dispensed with have been going through tremendous rough weather as they have become age barred and not in a position to get any employment.

Having regard to the aforesaid submission, without expressing anything on the merits of the case, we require Mr.Pramod Swarup, learned senior counsel appearing for the State of Uttar Pradesh to apprise the competent authority of the State Government to explore the possibility to do some thing affirmative in respect of the appellant-employees which should be within the acceptable norms. When we say acceptable norms, it may mean alternative appointment without back wages or extending the benefit of voluntary retirement without back wages as a sequence of which the employees can get some pensionary benefits or payment of certain lump sum amount. It is clarified that this is an expression of a suggestion and not to be construed as an expression of opinion on the legal issues.

Let the matter be listed on 25.07.2014 for further hearing.

The Registry is directed to send a copy of the order to the Chief Secretary of the State of Uttar Pradesh so that he can co-ordinate between various departments and apprise the concerned authorities about the order of this Court.

C.A.No.6716 of 2013

Learned counsel for the appellants is directed to file process fee and spare copies of the special leave petition. Ms.Alka Sinha, the instructing counsel of Mr.Pramod Swarup, learned senior counsel, accepts notice on behalf of the State of Uttar Pradesh.

SLP(C) No. 19001 of 2013

Issue notice.

Ms.Alka Sinha, the instructing counsel of Mr.Pramod Swarup, learned senior counsel, accepts notice on behalf of the State of Uttar Pradesh.”

CA NO. 9165-9172 OF 2010

Accordingly certified copy of the order was issued to the Chief Secretary, State of U.P. on 02.06.2014 but no one has filed any document till date.

It is submitted that Mr. Satish Kumar, Advocate has on 05.08.2014 filed two applications for impleadment as party petitioner on behalf of Sh. Vimal Kumar Awasthi and Sh. Ram Gopal Raghav, applicants. These I.A's have been registered as I.A Nos. 61 and 62 respectively.

It is further submitted that I.A Nos. 49-56 for impleadment as party petitioner filed on 22.11.2012 by Ms. Shalu Sharma, Advocate is also pending for orders.

It is submitted that upon being filing of process fee and spare copies of Special Leave Petition, Notice of Lodgement of Petition of Appeal was issued to the High Court on 25.06.2014 for service upon all the Respondent Nos. 1 to 3.

Certificate of service and original record is awaited from the High Court.

It is submitted that counsel for the appellant has on 09.07.2014 filed statement of case (copy of the same is being circulated herewith)

Service of Notice of Lodgement of Petition of Appeal is not complete on any of the three Respondents but since the instant matter was tagged with Civil Appeal Nos. 9165-9172 of 2010, hence listed.

It is submitted that although Ms. Alka Sinha has accepted notice on behalf of the State of U.P. but she has not entered appearance.

It is submitted that Mr. Satish Kumar, Advocate has on 05.08.2014 filed an application for impleadment as party petitioner on behalf of Sh. Bal Chand and two others, applicants. This I.A has been registered as I.A No. 2.

SLP(C) No. 19001 of 2013

Accordingly show cause notice was issued to all the three Respondents through registered A.D. Post and the A.D card duly signed has been received back from Respondent No. 2

It is further submitted that no one has entered appearance on behalf of the State of U.P though Ms. Alka Sinha has accepted notice on behalf of the State of U.P.

Service of show cause notice is awaited in respect of Respondent Nos. 1 & 3.

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

Dated this the 8th day of August, 2014.

ASSISTANT REGISTRAR

Copy to:

1. Mr. K.L Janjani, Adv.
2. Mr. Anuvrat Sharma, Adv.
3. Mr. Ravindra Kumar, Adv.
4. Mr. Ramanuj Pathak, In – person
R/o-Kallu Charasia, Pannuganj Road,
Robertganj, Sonbhadra, U.P.
5. Mr. Sunil Kr. Verma, In – person
C/o D.D. Pandey, Chief Manager,
Nagar Sahakari Bank,
Robertganj, Sonbhadra, U.P.
6. Mr. Balraj Dewan, Adv.
7. Mr. Ramesh Chandra Srivastava, In-person
S/o Late Shri T.K. Srivastava R/o Ward No. 10
Churk Bazar, Churk, Sonbhadra, U.P

ASSISTANT REGISTRAR

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