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ITEM NO.4

COURT NO.7

SECTION XV

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).14194/2009

(From the judgement and order dated 11/12/2008 in WP No.2209/2004 of The
HIGH COURT OF M.P AT JABALPUR)

CONTROLLER,GOVT.PRINT.& STATION.PRESS

Petitioner(s)

VERSUS

RASHIDA B.

Respondent(s)

(With appln(s) for impleadment and with prayer for interim relief
and office report)(For Final Disposal)

WITH SLP(C) NO. 29532 of 2011

(With office report)

SLP(C) NO. 29535 of 2011

(With office report)

SLP(C) NO. 29905 of 2011

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

SLP(C) NO. 29906 of 2011

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

SLP(C) No. 30861/2011

(With office report)

SLP(C) NO. 30862 of 2011

(With office report)

SLP(C) NO. 30864 of 2011

(With office report)

SLP(C) NO. 30865 of 2011

(With office report)

SLP(C) NO. 30866 of 2011

(With office report)

SLP(C) NO. 30867 of 2011

(With office report)

SLP(C) NO. 30868 of 2011

(With office report)

SLP(C) NO. 30869 of 2011

(With office report)

SLP(C) NO. 30870 of 2011

(With office report)

SLP(C) NO. 30871 of 2011

(With office report)

SLP(C) NO. 30872 of 2011

(With office report)

SLP(C) NO. 30873 of 2011

(With office report)

SLP(C) NO. 30875 of 2011

(With office report)

SLP(C) NO. 30876 of 2011

(With office report)

SLP(C) NO. 30877 of 2011

(With office report)

SLP(C) NO. 30878 of 2011

(With office report)

SLP(C) NO. 30879 of 2011

(With office report)

SLP(C) NO. 30880 of 2011

(With office report)

SLP(C) NO. 30881 of 2011

(With office report)

SLP(C) NO. 30882 of 2011

(With office report)

SLP(C) NO. 30884 of 2011

(With office report)
SLP(C) NO. 30886 of 2011
(With office report)
SLP(C) NO. 30887 of 2011
(With office report)
SLP(C) NO. 30888 of 2011
(With office report)
SLP(C) NO. 30889 of 2011
(With office report)
SLP(C) NO. 30890 of 2011
(With office report)
SLP(C) NO. 30891 of 2011
(With office report)
SLP(C) NO. 30892 of 2011
(With office report)
SLP(C) NO. 30893 of 2011
(With office report)
SLP(C) NO. 30897 of 2011
(With office report)
SLP(C) NO. 30898 of 2011
(With office report)
SLP(C) NO. 30899 of 2011
(With office report)
SLP(C) NO. 30900 of 2011
(With office report)
SLP(C) NO. 30902 of 2011
(With office report)
SLP(C) NO. 30904 of 2011
(With office report)
SLP(C) NO. 30905 of 2011
(With office report)
SLP(C) NO. 30906 of 2011
(With office report)
SLP(C) NO. 30907 of 2011
(With office report)
SLP(C) NO. 30908 of 2011
(With office report)
SLP(C) NO. 30909 of 2011
(With office report)
SLP(C) NO. 30910 of 2011
(With office report)
SLP(C) NO. 30911 of 2011
(With office report)
SLP(C) NO. 30912 of 2011
(With office report)
SLP(C) NO. 30913 of 2011
(With office report)

Date: 22/10/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s) Mr. Mishra Saurabh,Adv.
Mr. B.S. Banthia,Adv.
Ms. Vanshuja Shukla,Adv.

For Respondent(s) Mr. M.K. Choudhary,Adv.
Mr. R.R. Srivastava,Adv.
Mr. Pankaj Jain,Adv.
Mr. Yudhistir Bharadwaj,Adv.
Ms. Namita Choudhary,Adv.

Mr. S.K. Verma,Adv.

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

Heard in-part.

The short question that arises for our consideration in these matters is whether the High Court was justified in directing regularisation of the respondents as junior binders on the basis that they had worked in that capacity for a considerably long period and that being Bhopal gas-affected victims deserve a sympathetic treatment. The High Court also appears to have concluded that 150 posts of junior binders are still vacant against which these respondents could be regularised.

The order passed by the High Court has been assailed before us by the learned counsel for the petitioner according to whom the High Court was not right in holding that 150 vacancies of junior binders were available at any point of time. He drew our attention to an affidavit filed by the petitioner according to which there are only 129 posts of junior binders, out of which a total 16 posts only were vacant, to be filled up by direct recruitment, and the remaining 13 vacant posts to be filled by promotion. He submitted that the respondents were not even otherwise entitled for regularisation as they were beyond the upper age limit stipulated under the rules.

Learned counsel for the respondents on the other hand submitted that if this Court were to finally conclude that a sufficient number of vacancies were not available against which the respondents could be regularised or that the respondents were otherwise not entitled to such regularisation, this Court could direct the continuance of the respondents in employment with a further direction that they be paid the differential between the amount that is being actually paid to them towards remuneration and the minimum of the pay scale admissible to the junior binders.

It was further argued that the respondents were agreeable to any other arrangement which this Court may make having regard to the fact that the respondents were now on the verge of retirement and could be given a sympathetic treatment by fixing a lump-sum amount of compensation in lieu of their claims.

There is, in our opinion, some room for a just settlement between the parties inasmuch as if the number of vacancies is not sufficient for regularising all the respondents, the petitioner could offer them a golden-hand-shake by suitably compensating them in terms of money.

For all these reasons, we deem it necessary to direct the petitioner-Controller, Government Printing and Stationery Press, Maida Mill Road, Bhopal, Madhya Pradesh, to remain present in-person on the next date of hearing. The petitioner-Controller shall do well to equip himself with the relevant facts and figures for our consideration including information as to the number of vacancies actually available, the minimum of the pay scale admissible to the junior binders and the difference in the emoluments being drawn by the respondents and the minimum of the pay scale admissible to junior binders.

Post on Tuesday, the 29th October, 2013 for continuation of arguments.

| (Mahabir Singh) |
| Court Master |

| (Sukhbir Paul Kaur) |
| Court Master |