

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).28269/2011

(From the judgement and order dated 13/09/2011 in WPC No.6526/2011 of The HIGH COURT OF DELHI AT N. DELHI)

IQBAL KHATRI & ORS.

Petitioner(s)

VERSUS

EMPLOYEES STATE INSURANCE CORP.& ORS.

Respondent(s)

(With appln(s) for directions,permission to place addl. documents on record, permission to file additional documents and office report)

WITH

SLP(C)NO.28565/2011

(With appln.(s) for directions, permission to place addl. Documents and office report)

SLP(C) NO. 28587 of 2011

(With appln.(s) for directions, permission to place addl. documents and prayer for interim relief and office report)

SLP(C) NO. 28600 of 2011

(With appln.(s) for directions, permission to place addl. documents and prayer for interim relief and office report)

SLP(C) NO. 28683 of 2011

(With appln.(s) for directions, permission to place addl. documents and prayer for interim relief and office report)

Date: 07/10/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s)

Mr. P.S. Patwalia,Sr.Adv.(Not present)  
Mr. Nikhil Majithia,Adv.  
Mr. Manish Jain,Adv.  
Mr. Ankur Garg,Adv.  
Mr. Sougata Ganguly,Adv.  
Mr. Rukban Tyagi,adv.  
Ms. Prerna Mehta,Adv.

For Respondent(s)

Mrs.Rekha Palli,Adv.  
Mr. A.V. Palli,Adv.  
Mr. Anupam Raina,Adv.  
  
Mr. Siddharth Luthra,ASG  
Mr. D.S. Mahra,Adv.  
Ms. Supriya Juneja,Adv.  
Mr. Gurmohan Singh Bedi,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeals stand disposed of, in terms of the signed order.

(O.P. Sharma)  
Court Master

(M.S. Negi)  
Court Master  
(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s).9042 OF 2013  
(Arising out of SLP(C) No(s). 28269/2011)

IQBAL KHATRI & ORS.

Appellant(s)

VERSUS

EMPLOYEES STATE INSURANCE CORP.& ORS.

Respondent(s)

WITH

CIVIL APPEAL NO(s).9044 OF 2013  
(Arising out of SLP(C) No. 28565/2011)

CIVIL APPEAL NO(s).9045 OF 2013  
(Arising out of SLP(C) No. 28587/2011)

CIVIL APPEAL NO(s).9046 OF 2013  
(Arising out of SLP(C) No. 28600/2011)

CIVIL APPEAL NO(s).9047 OF 2013  
(Arising out of SLP(C) No. 28683/2011)

O R D E R

Leave granted.

Heard learned counsel for the parties.

We find from the impugned order that the only reason why the appellants had been denied appointment is because they belong to the OBC category(Jat) in the Delhi State List but this community is not included in the Central List. It is not disputed that the appellants have been in service for a period of 4-5 years and they have an unblemished record. It is also not disputed that they did not make a misrepresentation at any point of time in this regard.

In the circumstances of the case, we consider it appropriate in the interest of justice to direct to respondents to accommodate the appellants. We must observe that this order is being passed in the circumstances of the case as the posts belong to Class IV employees. We further observe that this shall not act as a precedent. It is made clear that the appellants shall not be entitled to any back wages for the period they have not worked but they shall be entitled to all consequential benefits.

The appeals stand disposed of accordingly.

.....J.  
(Dr. B.S. CHAUHAN)

.....J.  
(S.A. BOBDE)

NEW DELHI  
OCTOBER 07, 2013.