

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL No.3488 OF 2010

S.P.UNIYAL & ORS.

.....APPELLANTS

VERSUS

UNION OF INDIA

.....RESPONDENT

O R D E R

In continuation of the order passed by this Court on 21.08.2014, an affidavit dated 16.09.2014 has been filed on behalf of the respondent-Union of India *inter alia* indicating as under:

"5. It is further submitted that out of 20 petitioners, fifteen (fourteen from Air Mail Sorting Division and one from New Delhi Sorting Division) have been regularized as MTS in accordance with the recruitment rules on the basis of availability of the vacancies. The remaining petitioners would be regularized in future as per the recruitment rules subject to availability of the vacancies as the Department cannot go beyond the provisions of the recruitment rules."

A perusal of the above factual position depicted in the affidavit dated 16.09.2014 reveals, that out of the 20 appellants before this Court, 15 persons have been regularised as Multi Tasking Staff in accordance with the recruitment rules on the basis of availability of vacancies. It is further submitted, that the remaining appellants would be regularised in future, as per the recruitment rules, as and when the vacancies arise.

We have been informed by the learned senior counsel for the respondent today, that in addition to the factual position depicted in the affidavit dated 16.09.2014, two further appellants have been regularised. It is submitted that one of the appellants,

namely, appellant No.4 (Ganesh Singh) has since died and two of the appellants remained to be regularised. It is reiterated, that the remaining two appellants will be regularised as soon as substantive vacancies to accommodate them, become available. With the aforesaid statement made by the learned senior counsel for the respondent, we are satisfied that the main controversy stands settled.

Our only concern is with respect to appellant No.4 (Ganesh Singh), who is stated to have died during the pendency of the instant process of litigation. We were informed, that at least 10 of the workers who have now been regularised, had been inducted into the service of the Railways subsequent to the induction of appellant No.4 (Ganesh Singh), into service. It is therefore clear, that appellant No.4 would also have been regularised, had he been alive. Keeping in mind the aforesaid factual position, we direct the respondent, to consider the claim of the family members of appellant No.4, for grant of family pension and/or other retiral benefits, as are due to regular employees.

The instant appeal is disposed of in the aforesaid terms.

.....J.
(JAGDISH SINGH KHEHAR)

.....J.
(ARUN MISHRA)

NEW DELHI;
SEPTEMBER 25, 2014.

ITEM NO.101

COURT NO.7

SECTION XIV

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). 3488/2010

S.P.UNIYAL & ORS.

Appellant(s)

VERSUS

UNION OF INDIA

Respondent(s)

(With office report)

Date : 25/09/2014 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s) Dr.L.S.Chaudhary, Adv.
Mr. V. N. Raghupathy, AOR (Not Present)

For Respondent(s) Mr.J.S.Attri, Sr.Adv.
Ms.Rekha Pandey, Adv.
Mr.Rohitash Nagar, Adv.
Mr. B. Krishna Prasad, AOR (Not Present)

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

The instant appeal is disposed of in terms of the signed
order.

(SATISH KUMAR YADAV)
COURT MASTER

(PHOOLAN WATI ARORA)
ASSISTANT REGISTRAR

(Signed order is placed on the file)

