

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

I.A.NOs. 33-37, 38-41 IN 34 AND 42
IN
TRANSFER CASE (CIVIL.) NO. 22 OF 2001

BRIJ MOHAN LAL Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

WITH

CONMT. PET. (CIVIL) NO. 324/2012 IN T.C.(C) NO. 22/2001

T.P.(C)NOs. 407-410 OF 2001

ORDER

I.A.NO. 33

Having heard learned counsel appearing for the parties and in the light of order dated 20th April, 2010 in I.A. No. 77 of three Hon'ble Judges of this Court in All India Judges' Association & Ors. Vs. Union of India & Ors. modifying the earlier judgment in the aforesaid case, we modify our Order dated 19th April, 2012 passed in Transferred Case (Civil) No. 22 of 2001 etc., as under:

In paragraph 146, Clause 13(a) shall be read as under:

- (a) Such promotion, when effected against the 25%/10% quota, as the case may be, for out-of-turn promotion on merit, in accordance with the judgment of this Court in the case of All India Judges' Association (supra) as modified by the order dated 20th April, 2010 of this Court, by taking and being selected through the requisite examination, as contemplated for out-of-turn promotion.

We make it clear that the 10% variation would come into play with effect from 01.01.2011 and 25%, prior thereto.

In other words, the candidates who were promoted as FTC Judges prior to 01.01.2011 shall be governed by 25% promotion quota while the candidates who were promoted as FTC Judges from the service cadres subsequent thereto shall be in the ratio of 10% with effect from 01.01.2011.

It is further clarified that the direction contained in Clause 13(b) against 25% quota shall stand substituted by "50% or 65%" with the afore specified dates.

The interlocutory application is disposed of accordingly.

I.A.NO. 34

Learned counsel for the applicant submits that the applicant does not want to press this application.

Hence the application is dismissed as withdrawn.

I.A. NO. 35

One month time from today is granted to the applicant-State for the implementation of this Court's order dated 19th April, 2012 passed in Transferred Case (Civil) No. 22 of 2001 etc.

The interlocutory application is accordingly disposed of.

I.A.NO. 36

Heard learned counsel for the applicant-State.

The prayer (a) of the applicant is granted. The State is allowed to discontinue the Fast Track Court Scheme after the staff recruited thereunder are absorbed in the District Court Service.

However, prayer (b) of the applicant seeking exemption from

creating 10% additional posts for Fast Track Court Judges, is rejected.

The interlocutory application is accordingly partly allowed.

I.A.NO. 37

None appears for the applicant-State.

We, however, grant two months time from today to the applicant-State for the implementation of this Court's order dated 19th April, 2012 passed in Transferred Case (Civil) No. 22 of 2001 etc.

The interlocutory application is accordingly disposed of.

I.A.NOs. 38-40 & 41-42

Learned counsel for the applicants submits that in view of the withdrawal of I.A.No. 34 by the concerned applicant, the applicants of these applications also do not want to press these applications.

Accordingly, these applications also stand dismissed as withdrawn.

CONMT. PETN. (C) NO. 324/2012 IN T.C.(C) NO. 22/ 2001

We have heard learned counsel for the petitioner.

Learned counsel for the petitioner prays that the petitioner-Association may be allowed to withdraw this petition with liberty to move the High Court, in case the members of the petitioner-Association are not promoted.

We accordingly allow the petitioner to withdraw the contempt petition with the aforesaid liberty.

The contempt petition is accordingly disposed of.

T.P.(C) Nos. 407-410 OF 2001

In view of our Judgment dated 19th April, 2012, these transfer petitions also stand disposed of.

.....J.
(A.K. PATNAIK)

New Delhi,
13-09-2012

.....J.
(SWATANTER KUMAR)

ITEM NO.2

COURT NO.10

SECTION XVIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A.NOs. 33-37, 38-41 IN 34 AND 42 IN
TRANSFER CASE (CIVIL.) NO. 22 OF 2001

BRIJ MOHAN LAL

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for modification, clarification, extension of time,
directions, intervention, impleadment and office report)

WITH

CONTMT. PET. (CIVIL) NO. 324/2012 IN T.C.(C) NO. 22/2001

T.P.(C) NO. 407-410/2001

(With appln. for ex-parte stay and office report)

Date: 13/09/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK
HON'BLE MR. JUSTICE SWATANTER KUMAR

For the parties : Mr. P.S. Narasimha, Sr. Adv. (A.C.)

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Mr. B.V. Balramdas, Adv.
Ms. Sunita Sharma, Adv.

Mr. S.R. Singh, Sr. Adv.
Ms. Namita Choudhary, Adv.
Mr. Avnish Singh, Adv.
Mr. Sushant K. Yadav, Adv.

Mr. Vijay Hansaria, Sr. Adv.
Mr. Vivek Singh, Adv.

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Mr. Khawirakpam Nobin Singh, Adv.
Mr. Sapan Biswajit Meitei, Adv.
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Ms. Rachna Shrivastav, Adv.
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Mr. Anil Shrivastav, Adv.
Mr. Rituraj Biswas, Adv.
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Mrs. Sumita Ray, Adv.
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Mr. Shiv Ram Sharma, Adv.
Mr. Nitin Bhardwaj, Adv.
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Mr. Ashok K. Srivastava, Adv.
Mr. Ashok Mathur, Adv.
Mr. G.S. Chatterjee, Adv.
Mr. G. Prakash, Adv.
Ms. Kamini Jaiswal, Adv.
Mr. K. Ram Kumar, Adv.
Mr. Naresh K. Sharma, Adv.
Mr. Pradeep Misra, Adv.
Mr. Prashant Bhushan, Adv.
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Mr. Mukesh K. Giri, Adv.
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Mr. Manish Kumar Saran, Adv.
Mr. Vivek Singh, Adv.
Ms. Namita Choudhary, Adv.
Ms. Hemantika Wahi, Adv.
Mr. P. Parmeswaran, Adv.
Mrs. D. Bharathi Reddy, Adv.
Mr. Nikhil Nayyar, Adv.

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

All the applications/petitions are disposed of in terms of the signed order.

The Registry is directed to circulate copy of this order to all the High Courts.

| (G. SUDHAKARA RAO)
| COURT MASTER

| | (SHARDA KAPOOR)
| | COURT MASTER

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(SIGNED ORDER IS PLACED ON THE FILE)