

REVISED

ITEM NO.1

COURT NO.4

SECTION XI

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

I.A.NOS. 11-12, 13 & 14, 15-16, 17-18, 19-20, 21, 22, 23, 24 & 25-31 AND I.A.NO. 1 IN I.A.NO. 11/2016 in Civil Appeal No(s).2608/2011

U.P.POWER CORP.LTD.

Appellant(s)

VERSUS

RAJESH KUMAR & ORS.

Respondent(s)

(for directions and exemption from filing O.T. and impleadment and intervention and exemption from filing the copy of paper books of c.a. and impleadment/directions and exemption from filing O.T. in rejoinder affidavit and office report)

WITH

I.A. Nos.1, 2, 3, 4 and 5 in C.A. No. 2679/2011
(With appln.(s) for impleadment and impleadment and directions and exemption from filing O.T. and directions and impleadment and exemption from filing O.T. and directions and impleadment and Office Report)

Date : 30/08/2016 These applications were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE C. NAGAPPAN

For Appellant(s) Mr. Ashok K. Mahajan, AOR

Mr. Gunnam Venkateswara Rao, AOR

For Respondent(s) Ms. Indira Jaising, Sr. Adv.
Mr. Purushottam Sharma Tripathi, Adv.
Mr. Ravi Chandra Prakash, Adv.
Ms. Sushma Singh, Adv.
Mr. Luv Kumar, Adv.
Mr. C.U. Singh, Sr. Adv.
Mr. Nikhil Majithia, AOR
Mr. Rishi Singh, Adv.
Mr. Dhaval, Mehtro, Adv.
Mr. Prshant Shukla, Adv.

Ms. Shreya Mishra, Adv.
Mr. Satyajeet Kumar, AOR

Mr. R.K. Singh, Adv.
Mr. Kumar Gaurav, Adv.
Mr. B.N. Dubey, Adv.
Mr. R.P. Goyal, Adv.

Mr. Siddharth Luthra, Sr. Adv.
Mr. Rajat Singh, Adv.
Mr. Apoorva Tewari, Adv.
Mr. Anoopam Prasad, Adv.
Mr. Anupam Lal Das, Adv.

Mr. S.R. Singh, Sr. Adv.
Mr. Mangal Prasad, Adv.
Mr. Ujjwal Pandey, Adv.
Ms. Shweta Yadav, Adv.
Mr. Yash Pal Dhingra, Adv.

Mr. Abhishth Kumar, AOR

Mr. Aniruddha P. Mayee, AOR

Mr. Anuvrat Sharma, AOR

Mr. Brij Bhusan, AOR

Mr. Harsh Vardhan Surana, AOR

Ms. Meenakshi Arora, Sr. Adv.
Mr. Manoj K. Mishra, AOR
Mr. Ramesh Chandra Tiwari, Adv.
Mr. Sandeep Kumar Dwivedi, Adv.
Ms. Meghna Kalra, Adv.

Mr. Ravi Prakash Mehrotra, AOR
Mr. Abhinav Kumar Malik, Adv.
Mr. Vibhu Tiwari, Adv.

Mrs Lalita Kaushik, AOR

Mr. Sudarshan Singh Rawat, AOR

Mr. Sudhansu Palo, AOR
Mr. Suraj Prakash Singh, Adv.
Ushpila Bisht, Adv.

Mr. Varun Thakur, Adv.
Mr. Varinder Kumar Sharma, AOR
Ms. Shraddha Saran, Adv.

Mr. Vishwajit Singh, AOR

Mr. Pankaj Singh, Adv.
Ms. Ridhima Singh, Adv.
Mr. Piyush Vatra, Adv.

Mr. Amit Kumar, Adv.
Mr. Vivek Singh, AOR
Mr. Abhishek Gupta, Adv.

Ms. Priya Aristotle, AOR

Mr. Rajendra Singhvi, Adv.
Mr. K.K.L. Gautam, Adv.

Mr. Antaryami Upadhyay, Adv.
Mr. Rutwik Panda, Adv.
Mr. Abhishek Upadhyay, Adv.

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

I.A. Nos.1,2 and 3 in C.A. No.2679 of 2011 and I.A. Nos.21 in CA No.2608 of 2011

Learned counsel for the applicants seek leave of this court to withdraw the interlocutory applications.

The interlocutory applications are dismissed as withdrawn.

I.A. Nos.11-12, 13 & 14, 15-16, 17-18, 19-20, 22, 23, 24 & 25-31 and I.A. No.1 in I.A. No.11/2016 in CA No.2608 of 2011 and I.A. No.4 in CA No.2679 of 2011

In course of hearing of the Interlocutory Applications which have been filed in the present civil appeals, we have been apprised that certain applications relate to reversion which have been passed in pursuance of the judgment rendered in U.P. Power Corporation Ltd. vs. Rajesh Kumar & Ors., [(2012) 7 SCC 1]. The said applications shall be taken up at a later stage.

Certain applications have been filed assailing the fixation of seniority between the direct recruits and the promotees. There is also challenge to the common seniority list. The issue that has been highlighted is that even if the reversion is made pursuant to the decision of this Court, the determination of seniority *inter se* between the parties is erroneous.

In course of hearing, we have been apprised that writ petition Nos.5828 of 2015 and 17979 (S/B) of 2016 are pending in the High Court of Allahabad touching the same issue. In our considered the said writ petitions should be transferred to this Court and be registered as Transferred Cases; and accordingly it is so ordered. Registry is directed to take appropriate steps in this regard. As we are transferring the cases from the High Court pertaining to the *inter se* dispute between the parties, the High Court shall not entertain any writ petition relating to the same.

It has also been brought to our notice that the High Court had passed certain orders in some writ petition which has been assailed before this Court and after grant of leave it has been registered as Civil Appeal No.6584 of 2015.

Any incumbent who has been reverted and approached the Grievance Committee and the said Committee has not yet adverted to the same, it shall do so within six weeks from today and communicate the order to the concerned officer/official. The learned counsel who are representing the said officers/officials shall give a copy of the representations and IAs to Mr. Ravi Prakash Mehrotra, learned counsel for the State so that the determination/disposal by the Committee can be facilitated.

In view of this, I.A. Nos.19, 20, 23 and 24 are disposed of.

Let the remaining IAs be listed along with the 'Transferred Cases' and Civil Appeal No.6584 of 2015 on 23.11.2016.

Parties are at liberty to file additional affidavits. Needless to say, pleadings, from all aspects, shall be completed by the next date of hearing.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master

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UPON hearing the counsel the Court made the following
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