

ITEM NO.13

COURT NO.4

SECTION IV-C

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

Petition(s) for Special Leave to Appeal (C) No.7409/2022

(Arising out of impugned final judgment and order dated 27-02-2020 in WP No.18610/2017 passed by the High Court of M.P. Principal Seat at Jabalpur)

RAKESH DUBEY

Petitioner(s)

VERSUS

DISTRICT AND SESSION JUDGE JABALPUR

Respondent(s)

(With I.R. and IA No.60556/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.60558/2022-EXEMPTION FROM FILING O.T. and IA No.60557/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 29-04-2022 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s) Mr. Siddharth Bhatnagar, Sr. Adv.
Mr. Swarnendu Chatterjee, AOR
Mr. Himanshu Nailwal, Adv.
Mr. Ambuj Tiwari, Adv.
Ms. Pracheta Kar, Adv.
Mr. Aditya Sidhra, Adv.
Mr. Nadeem Afroz, Adv.

For Respondent(s)

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

- 1 Senior counsel appearing on behalf of the petitioner submits that though the circular dated 10 June 1994 providing for appointment on compassionate basis in favour of any one member of the employees family where the employee had retired voluntarily on medical basis was withdrawn on 3 January 1995 and the appointment of the petitioner was made thereafter on 9 March 1995, the application for the grant of compassionate appointment was made on 6 December 1994. Hence, it has been submitted that since the application was made on 6 December 1994 under the policy which was then in existence, the subsequent decision of the policy will not affect the rights of the petitioner.
- 2 In the present case, it has been submitted that the services of the petitioner were terminated after he had worked for over 21 years in October 2017.
- 3 Issue notice, returnable in six weeks.
- 4 Liberty to serve the Standing Counsel for the State of Madhya Pradesh, in addition.
- 5 No recovery shall be made from the petitioner in the meantime.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Court Master