

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

MA NO. 124 OF 2019

IN

CONTEMPT PETITION (C) NO. 887 OF 2018

IN

CIVIL APPEAL NO. 2703 OF 2017

DIVAKAR DEV & ORS.

Appellant(s)

VERSUS

SUDHIR TRIPATHI & ORS.

Respondent(s)

WITH

CONMT.PET.(C) No. 106/2019 in C.A. No. 2703/2017

CONMT.PET.(C) No. 107/2019 in C.A. No. 2703/2017

CONMT.PET.(C) No. 108/2019 in C.A. No. 2703/2017

CONMT.PET.(C) No. 119/2019 in C.A. No. 2703/2017

O R D E R

MA NO. 124 OF 2019 IN CONTEMPT PETITION (C) NO. 887 OF 2018
IN CIVIL APPEAL NO. 2703 OF 2017

As prayed for, liberty is granted to challenge the Government Order regarding date of absorption. However, it was pointed out by the learned senior counsel appearing for the State of Jharkhand that this Court has already decided the issue, vide order dated 24.09.2018 and 13.12.2018, it is open to the State of Jharkhand to take the aforesaid ground in case the order is questioned.

In view of the above, MA No. 124 of 2019 is disposed of.

CONMT.PET.(C) No. 106/2019 in C.A. No. 2703/2017

Order passed by this Court has been complied with. However, it was pointed out that the 5th Pay Commission should be given notionally from 1996 actual benefit from 15.11.2000. They want to claim from different date. It will be open to them to question in accordance with law before the appropriate forum.

Contempt Petition (C) No. 106 of 2019 stands disposed of.

CONMT.PET.(C) No. 107/2019 in C.A. No. 2703/2017

The learned counsel for the petitioner seeks leave to withdraw this contempt petition.

Permission is granted.

The contempt petition is, accordingly, dismissed as withdrawn.

CONMT.PET.(C) No. 108/2019 in C.A. No. 2703/2017

Order passed by this Court has been complied with. However, it was pointed out that the 5th Pay Commission should be given notionally from 1996 actual benefit from 15.11.2000. They want to claim from different date. It will be open to them to raise question in accordance with law before the appropriate forum in appropriate proceedings.

Contempt Petition (C) No. 108 of 2019 stands disposed of.

CONMT.PET.(C) No. 119/2019 in C.A. No. 2703/2017

The University has rejected the claim of the petitioner. In case the petitioner is aggrieved, he may question the same in appropriate proceedings in High Court or other appropriate forum.

In view of the above, the contempt petition is disposed of.

.....J.
[ARUN MISHRA]

.....J.
[DEEPAK GUPTA]

New Delhi;
February 26, 2019.

(REVISED)
(WITH SIGNED ORDER)

ITEM NO.56 + 59

COURT NO.4

SECTION XVI

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

CONMT.PET.(C) No. 832/2018 in C.A. No. 2703/2017

RAVINDRA KUMAR & ORS.

Petitioner(s)

VERSUS

ANJANI KUMAR SINGH & ORS.

Respondent(s)

WITH

MA 124/2019 in CONMT.PET.(C) No. 887/2018 in C.A. No. 2703/2017
(XVI)
(FOR ADMISSION and IA No.5225/2019-EXEMPTION FROM FILING O.T. and
IA No.5222/2019-MODIFICATION)

CONMT.PET.(C) No. 108/2019 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION and IA No.6170/2019-EXEMPTION FROM FILING O.T.)

CONMT.PET.(C) No. 107/2019 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION and IA No.6162/2019-EXEMPTION FROM FILING O.T.)

CONMT.PET.(C) No. 119/2019 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)

CONMT.PET.(C) No. 106/2019 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION and IA No.6154/2019-EXEMPTION FROM FILING O.T.)

CONMT.PET.(C) No. 87/2019 in C.A. No. 2703/2017 (XVI)

CONMT.PET.(C) No. 88/2019 in C.A. No. 2703/2017 (XVI)

CONMT.PET.(C) No. 92/2019 in C.A. No. 2716-2756/2017 (XVI)

CONMT.PET.(C) No. 91/2019 in C.A. No. 2716-2756/2017 (XVI)
(FOR ADMISSION)

CONMT.PET.(C) No. 90/2019 in C.A. No. 2716-2756/2017 (XVI)
(FOR ADMISSION)

CONMT.PET.(C) No. 103-104/2019 in C.A. No. 2788-2789/2017 (XVI)
(FOR ADMISSION)

CONMT.PET.(C) No. 109/2019 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)

- CONMT.PET.(C) No. 110/2019 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION and IA No.6243/2019-EXEMPTION FROM FILING O.T.)
- CONMT.PET.(C) No. 111/2019 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)
- CONMT.PET.(C) No. 115/2019 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)
- CONMT.PET.(C) No. 116/2019 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)
- CONMT.PET.(C) No. 117/2019 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)
- CONMT.PET.(C) No. 118/2019 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)
- CONMT.PET.(C) No. 173-174/2019 in C.A. No. 2788-2789/2017 (XVI)
(FOR ADMISSION)
- CONMT.PET.(C) No. 319/2019 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)
- CONMT.PET.(C) No. 313-314/2019 in C.A. No. 2788-2789/2017 (XVI)
(FOR ADMISSION)
- CONMT.PET.(C) No. 315-316/2019 in C.A. No. 2788-2789/2017 (XVI)
(FOR ADMISSION)
- CONMT.PET.(C) No. 317-318/2019 in C.A. No. 2788-2789/2017 (XVI)
(FOR ADMISSION)
- CONMT.PET.(C) No. 885/2018 in C.A. No. 2792/2017 (XVI)
(FOR ADMISSION)
- CONMT.PET.(C) No. 927-933/2018 in C.A. No. 2760-2766/2017 (XVI)
(FOR ADMISSION and IA No.39334/2018-EXEMPTION FROM FILING O.T.)
- CONMT.PET.(C) No. 948-949/2018 in C.A. No. 2788-2789/2017 (XVI)
(FOR ADMISSION and IA No.44051/2018-EXEMPTION FROM FILING O.T.)
- CONMT.PET.(C) No. 950-951/2018 in C.A. No. 2788-2789/2017 (XVI)
(FOR ADMISSION and IA No.44049/2018-EXEMPTION FROM FILING O.T.)
- CONMT.PET.(C) No. 886/2018 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION and IA No.46171/2018-PERMISSION TO FILE CONTEMPT
PETITION)
- CONMT.PET.(C) No. 981/2018 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)

**CONMT.PET.(C) No. 1029/2018 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)**

**CONMT.PET.(C) No. 1027/2018 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)**

**CONMT.PET.(C) No. 1028/2018 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)**

**CONMT.PET.(C) No. 1033-1034/2018 in C.A. No. 2788-2789/2017 (XVI)
(FOR ADMISSION)**

**CONMT.PET.(C) No. 1031-1032/2018 in C.A. No. 2788-2789/2017 (XVI)
(FOR ADMISSION and IA No.63779/2018-AN APPLICATION SEEKING
EXEMPTION FROM FILLING OFFICIAL TRANSLATION)**

**CONMT.PET.(C) No. 1030/2018 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)**

**CONMT.PET.(C) No. 1188/2018 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION and IA No.72107/2018-EXEMPTION FROM FILING O.T.)**

**CONMT.PET.(C) No. 1742-1743/2018 in C.A. No. 2788-2789/2017 (XVI)
(FOR ADMISSION and IA No.116376/2018-EXEMPTION FROM APPOINTMENT OF
OFFICIAL TRANSLATOR)**

**CONMT.PET.(C) No. 1744-1745/2018 in C.A. No. 2788-2789/2017 (XVI)
(FOR ADMISSION and IA No.129333/2018-EXEMPTION FROM APPOINTMENT OF
OFFICIAL TRANSLATOR)**

**CONMT.PET.(C) No. 1749/2018 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)**

**CONMT.PET.(C) No. 1750/2018 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)**

**CONMT.PET.(C) No. 2157-2158/2018 in C.A. No. 2788-2789/2017 (XVI)
(FOR ADMISSION)**

**CONMT.PET.(C) No. 2193/2018 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)**

**CONMT.PET.(C) No. 2103/2018 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)**

**CONMT.PET.(C) No. 2159-2160/2018 in C.A. No. 2788-2789/2017 (XVI)
(FOR ADMISSION)**

**CONMT.PET.(C) No. 2161-2162/2018 in C.A. No. 2788-2789/2017 (XVI)
(FOR ADMISSION)**

CONMT.PET.(C) No. 2194/2018 in C.A. No. 2703/2017 (XVI)

(FOR ADMISSION)

**CONMT.PET.(C) No. 2195/2018 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)**

**CONMT.PET.(C) No. 2196/2018 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)**

**CONMT.PET.(C) No. 2198/2018 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)**

**CONMT.PET.(C) No. 2197/2018 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)**

**CONMT.PET.(C) No. 2163-2164/2018 in C.A. No. 2788-2789/2017 (XVI)
(FOR ADMISSION)**

**CONMT.PET.(C) No. 2199/2018 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION and IA No.175799/2018-EXEMPTION FROM FILING O.T.)**

**CONMT.PET.(C) No. 2206-2207/2018 in C.A. No. 2788-2789/2017 (XVI)
(FOR ADMISSION)**

**CONMT.PET.(C) No. 2200/2018 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION and IA No.177190/2018-EXEMPTION FROM APPOINTMENT OF
OFFICIAL TRANSLATOR and IA No.177205/2018-PERMISSION TO FILE
ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)**

**CONMT.PET.(C) No. 105/2019 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION and IA No.180904/2018-EXEMPTION FROM FILING O.T. and
IA No.181152/2018-CONTEMPT PETITION)**

**CONMT.PET.(C) No. 94-95/2019 in C.A. No. 2788-2789/2017 (XVI)
(FOR ADMISSION)**

with

**CONMT.PET.(C) No. 356/2019 in C.A. No. 2703/2017
(FOR ADMISSION)**

**CONMT.PET.(C) No. 357/2019 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)**

**CONMT.PET.(C) No. 358/2019 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)**

**CONMT.PET.(C) No. 359/2019 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION and IA No.32975/2019-PERMISSION TO FILE APPLICATION
FOR DIRECTION)**

**CONMT.PET.(C) No. 364-365/2019 in C.A. No. 2788-2789/2017 (XVI)
(FOR ADMISSION)**

CONMT.PET.(C) No. 362-363/2019 in C.A. No. 2788-2789/2017 (XVI)
(FOR ADMISSION)

CONMT.PET.(C) No. 360-361/2019 in C.A. No. 2788-2789/2017 (XVI)
(FOR ADMISSION)

CONMT.PET.(C) No. 370/2019 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)

CONMT.PET.(C) No. 379-380/2019 in C.A. No. 2788-2789/2017 (XVI)
(FOR ADMISSION)

CONMT.PET.(C) No. 373/2019 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)

CONMT.PET.(C) No. 371/2019 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)

CONMT.PET.(C) No. 369/2019 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)

CONMT.PET.(C) No. 372/2019 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)

CONMT.PET.(C) No. 378/2019 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)

CONMT.PET.(C) No. 377/2019 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)

CONMT.PET.(C) No. 376/2019 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION)

CONMT.PET.(C) No. 382-391/2019 in C.A. No. 2706-2715/2017 (XVI)
(FOR ADMISSION)

CONMT.PET.(C) No. 1755/2018 in C.A. No. 2703/2017 (XVI)
(FOR ADMISSION and IA No.137055/2018-EXEMPTION FROM APPOINTMENT OF
OFFICIAL TRANSLATOR)

Date : 26-02-2019 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE DEEPAK GUPTA

Counsel for the
parties

Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. Ashwarya Sinha, Adv.
Ms. Mohini Priya, Adv.
Ms. Alankrita Sinha, Adv.

Mr. Dinesh Dwivedi, Sr. Adv.
Mr. Keshav Mohan, Adv.

Mr. Rishi K. Awasthi, Adv.
Mr. Prashant Kumar, Adv.
Mr. Santosh Kumar, Adv.

Mr. Rakesh K. Khanna, Sr. Adv.
Mr. R. P. Singh, Adv.
Ms. Shefali Jain, Adv.
Mr. Ali Mushtaq Nawazish, Adv.
Mr. Prakash Kumar Singh, Adv.
Ms. Sunita R. Singh, Adv.

Mr. Neeraj Shekhar, Adv.
Mr. Animesh Kumar, Adv.
Mr. Ashutosh Thakur, Adv.
Mr. Rana Prashant, Adv.

Mr. S. Wasim A. Qadri, Adv.
Mr. Zaid Ali, Adv.
Mr. Tamim Qadri, Adv.
Mr. Saeed Qadri, Adv.
Ms. Udit Singh, Adv.

Mr. Sanjeev Kumar, Adv.
Mr. Naik H.K., Adv.
Ms. Padma Chaudhary, Adv.
Mr. Rajnish, Adv.

Mr. Sumit Kumar, Adv.
Mrs. Kumari Supriya, Adv.
Mr. Bhupendra Kumar Bhardwaj, Adv.
Mr. Hemant Kumar, Adv.

Mr. Rajeev Singh, Adv.
Mr. Prabudha Singh, Adv.

Mr. Atul Jha, Adv.
Mr. Dharmendra Kumar Sinha, Adv.

Mr. Animesh Kumar, Adv.
Mr. Murari Kumar, Adv.
Mr. Smarhar Singh, Adv.

Mr. Jayesh Gaurav, Adv.
Ms. Diksha Ojha, Adv.
Mr. Farrukh Rasheed, Adv.

Mr. Anil Kumar Jha, Adv.
Ms. Vijayalaxmi Jha, Adv.

Mr. Naveen Kumar Singh, Adv.
Mr. Chandra Bhushan Prasad, Adv.

Mr. Azmat H. Amanullah, Adv.

Mr. Atul Kumar, Adv.
Ms. Sweety Singh, Adv.
Mr. Ajay Amritraj, Adv.
Ms. Archana Kumari, Adv.

Mr. Ajay Kumar Singh, Adv.
Mr. Satyendra Kumar Srivastav, Adv.
Mr. Vinay Kumar, Adv.

Dr. Anand Kumar, Adv.
Mr. Awanish Kumar, Adv.

Mr. Bijay Kumar Sinha, Adv.
Mr. Manish Kumar Saran, Adv.

Mr. Joby P. Varghese, Adv.
Mr. Sangam Kumar, Adv.

Mr. Prem Sunder Jha, Adv.
Ms. Manjula Gupta, Adv.

Mr. Manish Kumar Saran, AOR
Mr. Ajay Kumar Singh, AOR
Mr. Anil Kumar Jha, AOR

Ms. Manjula Gupta, AOR
Mr. Anupam Lal Das, AOR
Mr. Chandra Bhushan Prasad, AOR

Mr. Ashwarya Sinha, AOR
Mr. Joby P. Varghese, AOR
Mr. Sumit Kumar, AOR
Ms. Punam Kumari, AOR
Mr. Kanhaiya Priyadarshi, AOR
Mr. Nirmal Kumar Ambastha, AOR

Mr. Gopal Prasad, AOR
Mr. Rajeev Singh, AOR
Mr. Santosh Kumar - I, AOR
Mr. Rajesh Prasad Singh, AOR
Ms. Abha R. Sharma, AOR
Mr. Udit Singh, AOR
Mr. Atul Kumar, AOR
Mr. Devashish Bharuka, AOR

Mr. S. N. Bhat, AOR

UPON hearing the counsel the Court made the following

O R D E R

Contempt Petition (C) No. 1742-1743 of 2018 in C.A.No. 2788 of 2017

(Item No. 56.14)

Deferred at this stage.

Compliance Report be filed within three weeks.

List on 02.04.2019.

Contempt Petition (C) No. 1749 of 2018 in C.A.No. 2703 of 2017

(Item No. 56.16)

Deferred at this stage.

Compliance Report be filed within three weeks.

List on 02.04.2019.

MA No. 124 of 2019 in Contempt Petition (C) No. 887 of 2018 in

C.A.No. 2703 of 2017 (Item No. 56.39)

As prayed for, liberty is granted to challenge the Government Order regarding date of absorption. However, it was pointed out by the learned senior counsel appearing for the State of Jharkhand that this Court has already decided the issue, vide order dated 24.09.2018 and 13.12.2018, it is open to the State of Jharkhand to take the aforesaid ground in case the order is questioned.

In view of the above, MA No. 124 of 2019 is disposed of.

Contempt Petition (C) No. 106 of 2019 in C. A. No. 2703 of 2017

(Item No. 56.42)

Order passed by this Court has been complied with. However, it was pointed out that the 5th Pay Commission should be given notionally from 1996 actual benefit from 15.11.2000. They want to claim from different date. It will be open to them to question in accordance with law before the appropriate forum.

Contempt Petition (C) No. 106 of 2019 stands disposed of.

Contempt Petition (C) No. 107 of 2019 in C. A. No. 2703 of 2017
(Item No. 56.43)

The learned counsel for the petitioner seeks leave to withdraw this contempt petition.

Permission is granted.

The contempt petition is, accordingly, dismissed as withdrawn.

Contempt Petition (C) No. 108 of 2019 in C. A. No. 2703 of 2017
(Item No. 56.44)

Order passed by this Court has been complied with. However, it was pointed out that the 5th Pay Commission should be given notionally from 1996 actual benefit from 15.11.2000. They want to claim from different date. It will be open to them to raise question in accordance with law before the appropriate forum in appropriate proceedings.

Contempt Petition (C) No. 108 of 2019 stands disposed of.

Contempt Petition (C) No. 115 of 2019 in C.A.No. 2703 of 2017 (Item
No. 56.47)

Deferred at this stage.

Compliance Report be filed within three weeks.

List on 02.04.2019.

Contempt Petition (C) No. 116 of 2019 in C.A.No. 2703 of 2017 (Item
No. 56.48)

The State has not absorbed the incumbent as the petitioner was appointed as a Teacher in Kurmali language and absorbed by the University in Nagpuri language and the Agarwal Commission shows the

absorption in Mundari language.

The aforesaid difference in the language should not come in the way. Let the absorption be made as per the recommendation made by the University and the compliance be reported to this Court within four weeks.

List on 02.04.2019.

Contempt Petition (C) No. 119 of 2019 in C.A. No. 2703 of 2017
(Item No. 56.49)

The University has rejected the claim of the petitioner. In case the petitioner is aggrieved, he may question the same in appropriate proceedings in High Court or other appropriate forum.

In view of the above, the contempt petition is disposed of.

Contempt Petition (C) No. 319 of 2019 in C.A.No. 2703 of 2017 (Item
No. 56.53)

Issue notice, returnable on 02.04.2019.

Contempt Petition (C) No. 2199 of 2018 in C.A.No. 2703 of 2017
(Item No. 56.29)

The learned senior counsel appearing for the petitioner has sought for a short adjournment.

List on 02.04.2019.

REST OF THE MATTERS

List tomorrow i.e. on 27.02.2018.

(JAYANT KUMAR ARORA)
COURT MASTER

(JAGDISH CHANDER)
BRANCH OFFICER

(Signed order is placed on the file)