

ITEM NO.6

Court 3 (Video Conferencing)

SECTION X

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

SPECIAL LEAVE PETITION (CIVIL) Diary No.10208/2020

(Arising out of impugned final judgment and order dated 17-10-2019 in SPLA No. 22/2013 passed by the High Court of Uttarakhand at Nainital)

BIRENDRA DUTT BADOLA & ORS.

Petitioner(s)

VERSUS

THE STATE OF UTTARAKHAND & ORS.

Respondent(s)

(with appln.(s) for interim relief, c/delay in filing SLP, exemption from filing c/c of the impugned judgment and exemption from filing O.T.)

WITH Diary No.10211/2020 (X)

(with appln.(s) for interim relief, c/delay in filing SLP, exemption from filing c/c of the impugned judgment and exemption from filing O.T.)

Diary No.10244/2020 (X)

(with appln.(s) for interim relief, c/delay in filing SLP, exemption from filing c/c of the impugned judgment and exemption from filing O.T.)

Diary No.10359/2020 (X)

(with appln.(s) for interim relief, c/delay in filing SLP, exemption from filing c/c of the impugned judgment and exemption from filing O.T.)

Date : 05-10-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDU MALHOTRA
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s)

Mr. K.V. Vishwanathan, Sr. Adv.
Mr. Pukhrambam Ramesh Kumar, AOR
Ms. Anupmama Ng., Adv.
Mr. Karun Sharma, Adv.
Mr. Venkataraman, Adv.

For Respondent(s)

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

- 1 Delay condoned.
- 2 Mr K V Vishwanathan, learned senior counsel appearing on behalf of the petitioners has confined his challenge only to two aspects of the impugned judgment and order of the High Court, namely, paragraphs 54 and 67. Firstly, it has been submitted that though the High Court has directed that the petitioners should be reverted as Foresters, the petitioners ought to be entitled to the promotions which similarly situated Foresters in their batch have received in the meantime. Mr Vishwanathan submits that the next promotion to the post of Deputy Ranger under the rules, is based on seniority. Secondly, the High Court has directed that since the order dated 21 December 2016 is null and void, the amounts which were paid to the petitioners shall be recovered. The challenge to the impugned judgment is restricted to the above two issues.
- 3 Issue notice confined to the above two issues, returnable in eight weeks.
- 4 Liberty to serve the Standing Counsel for the State of Uttarakhand, in addition.
- 5 Till the next date of listing, no recovery shall be made from the petitioners in pursuance of the directions contained in paragraph 67 of the impugned judgment and order. The implementation of the rest of the judgment is **not** stayed.

(CHETAN KUMAR)
AR-cum-PS

(SAROJ KUMARI GAUR)
BRANCH OFFICER