

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

Petition(s) for Special Leave to Appeal (Civil)...../2012
CC 11159-11160/2012

(From the judgement and order dated 08/08/2011 in WP No.35559/2009 and order dated 21/11/2011 in RP No. 818/2011 of the HIGH COURT OF KERALA AT ERNAKULAM)

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

T.P SOBHANA & ORS.

Respondent(s)

IA Nos. 1-2 (With appln(s) for c/delay in filing and refiling the SLP with office report)

Date: 13/07/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s)

Ms. Indira Jai Sing, ASG
Dr. O.P. Shukla, Adv.
Ms. Sonam Anand, Adv.
for Mr. B. Krishna Prasad, Adv.

For Respondent(s)

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

Delay condoned.

Ms. Indira Jai Sing, learned Additional Solicitor General, points out that by the impugned order the High Court held that for the purpose of promotion to Group-C category, seniority in Group-D must be reckoned with reference to the period of service in that cadre and not with reference to the actual pay-scale drawn by the employees. The Court has taken the view, relying upon its earlier decision in OP No. 14500 of 2003.

....2/-

: 2 :

But the same Court, by its decision dated November 17, 2011 in another case, being WP(C) No. 30307 of 2006 and analogous cases, even while referring to the earlier judgment in OP No. 14500 of 2003, has taken just the opposite view. The decision of the High Court in WP(C) No. 30307 of 2006 is at page 323 of the SLP brief and the relevant passage in the judgment is at pages 339-340.

Issue notice.

The respondents in this SLP belong to Group-D and Group-C categories and living in Kerala they may find it financially very difficult to contest the case in this Court. For any meaningful adjudication on the issue, therefore, we direct the General Manager, Southern Railway, to deposit a sum of `50,000 in this Court within four weeks from today as litigation cost for the other side.

In the notice to the respondents, it may be indicated that on appearing in response to the notice, it will be open to them to withdraw the amount of `50,000 without any surety, etc.

|(N.S.K. Kamesh)
|Court Master

|(Sneh Bala Mehra)
|Court Master

|
|