

Union Of India Secretary vs M.V. Mohanan Nair on 23 January, 2020

Bench: R. Banumathi, A.S. Bopanna, Hrishikesh Roy

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ITEM NO.101
(Part-Heard)

COURT NO.5

SECTION XI-A

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

Petition(s) for Special Leave to Appeal (C)

No(s). 21803/2014

(Arising out of impugned final judgment and order dated
in OP No. 2000/2013 passed by the High Court Of
Ernakulam)

24-06-201
Kerala At

UNION OF INDIA SECRETARY & ORS.

Petitioner(s)

VERSUS

M.V. MOHANAN NAIR

Respondent(s)

[TO GO BEFORE THREE HON'BLE JUDGES]
[PART-HEARD BY HON. R. BANUMATHI, HON. A.S. BOPANNA AND
HON. HRISHIKESH ROY, JJ.]

IA No. 3/2015 - INTERVENTION APPLICATION
IA No. 2/2015 - INTERVENTION APPLICATION
IA No. 48534/2017 - INTERVENTION APPLICATION
IA No. 8/2017 - INTERVENTION APPLICATION
IA No. 7/2017 - INTERVENTION APPLICATION
IA No. 5/2015 - INTERVENTION APPLICATION
IA No. 4/2015 - INTERVENTION APPLICATION
IA No. 6/2017 - Impleadment)

WITH SLP(C) No. 22181/2014 (IV-B)

SLP(C) No. 23335/2014 (IV-B)

SLP(C) No. 23333/2014 (IV-B)
(I.A.No.6/2016 – Application for intervention)

SLP(C) No. 18227/2015 (XIV)

SLP(C) No. 14918-14919/2016 (XIV)

SLP(C) No. 15531-15532/2016 (XII)
(IA No. 62383/2017 - APPROPRIATE ORDERS/DIRECTIONS)

SLP(C) No. 20058-20102/2016 (IV-A)

SLP(C) No. 8557-8576/2017 (IV-A)

SLP(C) No. 27058-27070/2016 (IV-A)
Signature Not Verified

Digitally signed by
MAHABIR SINGH
Date: 2020.01.24

SLP(C) No. 31125/2016 (XII-A)
16:11:51 IST
Reason:

SLP(C) No. 32992/2016 (XV)

SLP(C) No. 33706/2016 (XVI)

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SLP(C) No. 35000/2016 (XV)

SLP(C) No. 33259/2016 (XV)

SLP(C) No. 34999/2016 (XV)

SLP(C) No. 35001/2016 (XV)

SLP(C) No. 35004/2016 (XV)

SLP(C) No. 34998/2016 (XV)

SLP(C) No. 34997/2016 (XV)

SLP(C) No. 34996/2016 (XV)

SLP(C) No. 33512/2016 (XV)

SLP(C) No. 35002/2016 (XV)

SLP(C) No. 37709/2016 (XV)

SLP(C) No. 36450/2016 (XV)

SLP(C) No. 36448/2016 (XV)

S.L.P.(C)...CC No. 6042/2017 (XII-A)

SLP(C) No. 16839-16873/2017 (IV-A)
(IA No. 127121/2018 - APPLICATION FOR TRANSPOSITION)

SLP(C) No. 21875/2017 (IV-A)

SLP(C) No. 20069-20071/2017 (IV-A)

SLP(C) No. 2163-2165/2018 (XI-A)

SLP(C) No. 16765-16766/2018 (IV-A)

SLP(C) No. 1791/2019 (IV-A)

Diary No(s). 43456/2018 (XV)
(FOR ADMISSION and Interim Relief and IA No.182051/2018-CONDONATION
OF DELAY IN FILING)

SLP(C) No. 4406-4436/2019 (IV-A)
(FOR ADMISSION and Interim Relief and
IA No.20170/2019-CONDONATION OF DELAY IN FILING)

SLP(C) No. 8678/2019 (XIV)

Date : 23-01-2020 These matters were called on for hearing today.

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CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE HRISHIKESH ROY

Mr. Jaideep Gupta, Sr. Adv. (A.C.)
Mr. Kunal Chatterji, AOR
Mr. Pravar Veer Mishra, Adv.

For Petitioner(s) (U.O.I.)	Ms. Madhvi Divan, Sr. Adv. Dr. Kailash Vasdev, Sr. Adv. Ms. Priyanka Das, Adv. Mr. Raj Bahadur Yadav, AOR Mr. Akshay Amritanshu, Adv. Mr. Anish Kr. Gupta, Adv. Mr. Pranay Ranjan, Adv. Mr. S.K. Gupta, Adv. Mr. Sumit Upadhyay, Adv. Ms. Rekha Pandey, Adv. Mr. Arvind Kumar Sharma, AOR Mr. S.S. Ray, Adv. Mr. Vijay Prakash, Adv. Mr. B.V. Balram Das, AOR Ms. Alka Agarwal, Adv. Mr. Baldev Atrey, Adv. Mr. B. Krishna Prasad, AOR Mr. Gurmeet Singh Makker, AOR Mr. Sahil Monga, Adv. Ms. Anil Katiyar, Adv.
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Ms. Priya Mishra,Adv.
Mr. Arun Kumar Yadav,Adv.
Mr. Surender Kumar Gupta,Adv.
Mr. Mukesh Kumar Maroria, AOR
Mr. Shubham Saurav,Adv.

(SLP 14918-19/2016) Mr. A.N.S. Nadkarni,ASG
Mrs.Anil Katiyar, AOR
Ms. Rekha Pandey,Adv.
Ms. Vimla Sinha,Adv.
Mr. B.K. Prasad,Adv.
Mr. Vijay Prakash,Adv.

(SLP 6289/2019) Mr. Rajeev Sharma, AOR
Mr. Sahil Bhalaik,Adv.
Mr. Tushar Giri,Adv.

(SLP 33706/2016) Mr. Pradeep Kr. Mittal,Adv.
Ms. Shivetima D.,Adv.
Ms. Simanta Kr.,Adv.
Mr. Saurabh Kr.,Adv.
Mr. Raj Kishor Choudhary, AOR

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(SLP 16765-766/2018)Mr. K. Rajeev,AOR

For Respondent(s) Mr. Vinay Kumar Garg,Sr.Adv.
Mr. O. P. Bhadani, AOR

Mr. C. K. Sasi, AOR
Mr. Nayantara Roy,Adv.
Mr. Abdulla N.,Adv.
Ms. Somya Gupta,Adv.

Mr. P.A. Kulkarni,Adv.
Ms. Punam Kumari,Adv.

Mr. Yatindra Sharma,Adv.
Mr. Prashant Kumar, AOR

Mr. G. Umapathy,Adv.
Ms. Vaishnavi,Adv.
Mr. Rakesh K. Sharma,Adv.

Mr. G. Tushar Rao,Adv.
Mr. Mayank Sharma,Adv.
Mr. Kumar Dushyant Singh, AOR

Ms. Pavitra,Adv.
Mr. Rakesh K. Sharma, AOR

Mr. D.K. Thakur,Adv.
Mr. Devendra Jha,Adv.

Mr. Shivaraju H.B.,Adv.
Mr. Rituparn Uniyal,Adv.
Mr. Abhishek Kumar,Adv.
For Mr. Debasis Misra, AOR

Mrs.Prabha Swami, AOR
Mr. Nikhil Swami,Adv.
Ms. Divya Swami,Adv.

Mr. Arvind Kumar Sharma, AOR
Mrs.Anil Katiyar, AOR
Mr. B. Krishna Prasad, AOR
Mr. Mukesh Kumar Maroria, AOR

Mr. Naveen R. Nath, AOR
Mr. Rahul Jain,Adv.

Mr. A. N. Arora, AOR

Ms. Sumita Hazarika, AOR
Ms. Ipsita Behura,Adv.

Mr. Sunil Kumar Jain, AOR

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Mr. M. B. Ramasubba Raju,Adv.
Mr. E.P. Gopinathan,Adv.
Ms. Megha,Adv.
Mr. Balaji Srinivasan, AOR
Mr. R.S. Rajiv,Adv.

Mr. K. Rajeev, AOR

Mr. Mohan Kumar, AOR

Mr. Manoj V. George,Adv.
Ms. Shilpa Liza George,Adv.
Mr. K.M. Vignesh Ram,Adv.
Ms. Bhavika,Adv.
Mr. Zulfiker Ali P.S.,Adv.

For Applicant(s)
(SLP 21803/2014)

Mr. C. K. Sasi, AOR
Mr. Nayantara Roy,Adv.
Mr. Abdulla N.,Adv.
Ms. Somya Gupta,Adv.

(SLP 21803/2014) Mr. Chava Badri Nath Babu,Adv.
Mr. Rameshwar Prasad Goyal, AOR
Mr. C.M. Angadi,Adv.

(SLP 21803/2014) Mr. M.K. Bhardwaj,Adv.
Mr. Akash Dahiya,Adv.

Mr. Satish Kumar, AOR

(SLP 21803/2014) Mr. G. Prakash, AOR
Mr. Jishnu M.L., Adv.
Ms. Priyanka Prakash, Adv.
Ms. Beena Prakash, Adv.

(SLP 21803/2014) Mr. M. K. Dua, AOR

(SLP 23333/2014) Mr. Sudhir Naagar, AOR
Mr. Karamveer Singh, Adv.
Mr. Sidharth Khatana, Adv.

(SLP 14918-19/2016) Ms. Haripriya Padhmanabhan, Adv.
Ms. Pooja Dhar, Adv.
Mr. Shrutanjaya Bhardwaj, Adv.
Ms. Gayatri Verma, Adv.
Mr. Vishal Sinha, Adv.

Ms. Beena Goyal, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. Akhileshwar Jha, Adv.
Ms. Meenakshi Gupta, Adv.
Mr. B.P. Singh, Adv.
Ms. Kusum Chaudhry, Adv.

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Gp.Capt. Karan Singh Bhati, AOR
Ms. Kirti Khangarot, Adv.
Ms. Celeste Agarwal, Adv.
Ms. Oorjasvi Goswami, Adv.

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

SLP(C)No(s).21803/2014, SLP(C)No(s).22181/2014, SLP(C)No(s).23335/2014,
SLP(C)No(s).23333/2014. SLP(C)No(s).18227/2015, SLP(C)No(s).31125/2016,
SLP(C)No(s).33706/2016 & SLP(C) Diary No(s).6042/2017 :

Delay of 159 days, if not already, is condoned in SLP(C)Diary No.6042 of 2017.

In this batch of matters the question relates to whether MACP entitles financial upgradation of pay to the next Grade Pay or to the Grade Pay of the next promotional post.

We have heard the submissions of learned Amicus, Mr. Jaideep Gupta, learned senior counsel along with Mr. Kunal Chatterjee, learned counsel.

We have heard the arguments advanced by Mr. Vinay Kumar Garg, learned senior counsel along with Mr. O.P. Bhadani, learned counsel appearing for the respondents in SLP(C)No(s).22181 of 2014, SLP(C)No(s).23335 of 2014 & SLP(C)No.23333 of 2014, in full yesterday.

We have already heard Ms. Madhvi Divan, learned Additional Solicitor General along with M/s. Akshay Amritanshu, Priyanka Das, Sahil Monga and Vaishali Verma, learned counsel appearing for the petitioner-U.O.I. We have also heard submission of Mr. C.K. Sasi, learned counsel appearing for the respondent(s) in SLP(C)No.21803 of 2014.

We have heard the arguments of Mr. M.K. Bhardwaj, learned counsel appearing for the applicant-intervener in I.A.No.8/2017 in SLP(C)No.21803 of 2014 and Mr. M.K. Dua, learned counsel appearing for the applicant-intervener in I.A. NO.48534/2017 in SLP(C)No.21803 of 2014.

We have heard Mr. D.K. Thakur, learned counsel appearing for respondent no.1 and Mr. Sunil Kumar, learned counsel appearing for respondents no.2 to 33 in SLP(C)NO.18227/2015.

We have heard the arguments of Ms. Prabha Swami, learned counsel appearing for the respondents in SLP(C)NO.31125 of 2016. Ms. Prabha Swami, learned counsel appearing for the respondents, has submitted that respondent no.5-Soma Venugopal passed away on 26.10.2016. It is stated at the Bar that the deceased-respondent no.5 is survived by his wife-Soma Swaroopa Rani, daughter-Soma Sanjana and son-Rohit Raj. On the oral prayer, legal representatives of the deceased-respondent no.5, as above, are ordered to be impleaded as respondents No.5(i), 5(ii) & 5(iii) respectively.

We have heard Mr. Pradeep K. Mittal, learned counsel appearing for the petitioner-Nagendra Pati Tripathy in SLP(C)No.33706/2016.

Hearing concluded in these batch of matters. Judgment reserved.

List rest of the matters on Tuesday, the 28 th January, 2020 at 02:00 p.m. (MAHABIR SINGH) (MADHU BALA) (BEENA JOLLY) COURT MASTER COURT MASTER BRANCH OFFICER