

Dr Y.P. Gupta vs Union Of India (Uoi) And Ors. on 24 September, 1984

Equivalent citations: 1984LABLC1712, 1984(2)SCALE543, (1985)1SCC43, 1985(17)UJ235(SC), AIR 1984 SUPREME COURT 1905(1), (1984) 2 LAB LN 887 1985 (1) SCC 43, 1985 (1) SCC 43

Bench: D.A. Desai, Ranganath Misra

ORDER

1. The present petition is a sequel to our judgment in P.K. Ramachandra Iyer and Ors. v. Union of India While allowing Writ Petition and Review Petition a number of directions were given in that judgment in relation to the contentions raised before the Court.

2. By the present petition, the petitioner contends that the directions given by the Court have not been carried out and further directions are necessary to give full effect to the judgment of this Court. It may be clarified that a petition for directions and not for contempt has been moved. We propose to take note of the legitimate grievances canvassed on behalf of the petitioners by their learned Counsel Mr. Yogeshwar Prasad.

3. The first grievance voiced is that Dr. Y.P. Gupta was at all material times senior to Dr. S.L. Mehta and that Dr. S.L. Mehta, illegally scored a march over him. This Court directed that Dr. Y.P. Gupta will be put in the same scale in which Dr. S.L. Mehta was put right from the very date when Dr. S.L. Mehta was awarded higher grade. This direction is specific and unambiguous and enures for all benefits and all consequences that flow from the direction given to the Union of India. This benefit was given on the basis what has come to be recognised in services jurisprudence as next below rule. Therefore, Dr. Y.P. Gupta as per the direction of this Court would be in the same scale as was Dr. S.L. Mehta from the date latter was given the higher scale. Necessary consequence of being put in the higher scale from the relevant date Dr. Y.P. Gupta for all purposes would be senior to Dr. S.L. Mehta. We declare the seniority of Dr. Y.P. Gupta and nothing is contended to the contrary. The respondents shall carry out this direction.

4. The second grievance is more sentimental but less sensible. The contention is that Dr. Y.P. Gupta was removed from the membership of the Post Graduate Faculty of I.A.R.I. on 3.5.71. Mr. Lokur, learned Counsel who appeared for the ICAR had frankly stated that Dr. Y.P. Gupta will be restored to the membership of the Faculty. Dr. Y.S. Chitale, learned Counsel for ICAR now states that Y.P. Gupta has been admitted to that membership from April 18, 1978. This must satisfy Dr. Y.P. Gupta. No further direction in this behalf is necessary. It may be clarified that the removal from membership being set aside no stigma attached to Dr. Gupta and if there be any Dr. Chitale states that the same is washed away by the unconditional readmission. The petition is disposed of with these clarifications with no order as to costs.