Union Of India vs Ilmo Devi . on 7 October, 2021

Equivalent citations: AIR 2021 SUPREME COURT 4855, AIRONLINE 2021 SC 864

Author: M.R. Shah

Bench: A.S. Bopanna, M.R. Shah

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 5689-5690 OF 2021

UNION OF INDIA & ORS. …Appellant(s)

Versus

ILMO DEVI & ANR. …Respondent(s)

JUDGMENT

M.R. SHAH, J.

1. Feeling aggrieved and dissatisfied with the impugned judgment and order passed by the High Court of Punjab & Haryana at Chandigarh in CWP No. 9167 of 2007 and CWP No.6854 of 2008 by which the High Court has modified the judgment and order passed by the learned Central Administrative Tribunal in O.A. No.886/CH/2005 and consequently has directed the appellants to revisit the whole issue, complete the exercise to reformulate their regularization/absorption policy and take a decision to sanction the posts in a phased manner, the Union of India and others have preferred the present appeal. The High Court has further directed that till the exercise, as directed above, is undertaken, the appellants shall continue the employees in service with their current status but to those of them who have completed 20 years as part-time daily wagers shall be granted "minimum" basic pay of Group 'D' posts w.e.f. 01.04.2015 and/or the date of completion of 20 years contractual service, whichever is later.

2. That the respondents herein are/were working as contingent paid part-time Sweepers (Safai Karamcharies working for less than five hours a day) in a Post Office at Sector-14, Chandigarh. That the respondents approached the Central Administrative Tribunal being O.A. No.886/CH/2005 seeking directions to frame a regularization/absorption policy for regularization of their service.

Alternatively, a direction for grant of temporary status w.e.f. 19.11.1989. The said O.A. was opposed by the department. Written statement was filed stating that the respondents -original applicants are contingent paid Safaiwalas working for less than five hours and, therefore, are not entitled for temporary status. It was further stated that there is no regular sanctioned post of Safaiwala in that particular Post Office in Chandigarh. 2.1 An O.M. dated 11.12.2006 was issued by the Ministry of Personnel, Public Grievances & Pensions (DoPT), Government of India by which regularization of qualified workers appointed against sanctioned posts in irregular manner was declared. A regularization policy was framed considering the decision of this Court in the case of Secretary, State of Karnataka & Ors. Vs. Umadevi (3) and Ors., (2006) 4 SCC 1. It provided that the Union of India, the State Governments and their instrumentalities should take steps to regularize as a one-time measure the services of such irregularly appointed, qualified persons, in terms of the statutory requirement of the Rules for the posts, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the courts or of tribunals. As the respondents - original applicants were serving as part-time employees working for five hours a day and there were no regular sanctioned posts in the particular Post Office and so they were not granted the benefit of the said O.M. dated 11.12.2006. By the judgment and order dated 17.01.2007, the learned Tribunal disposed of the said O.A. rejecting the claim of the respondents for their regularization. However, the learned Tribunal observed that since the Department need the continuous service of Safaiwalas, they shall advertise this post to appoint regular Safaiwala through proper process of selection positively within three months. The learned Tribunal also further directed that the respondents herein may also be considered for such selection after providing age relaxation to them under the relevant rules keeping in view that they have been working for last so many years without interruption. Learned Tribunal also observed that till then they are at liberty to allow the respondents to continue to perform their duties with the present status (as part-time). Learned Tribunal also observed that in case a one-time scheme is formulated by the Department/Government in exercise of the directions of this Court in the case of Umadevi (supra), the respondents' cases may also be considered for regularization, if they fulfill the required conditions as prescribed in the said scheme. 2.2 Feeling aggrieved and dissatisfied with the judgment and order passed by the learned Tribunal dated 17.01.2007 passed in O.A. No. 886/CH/2005 both, the Union of India and the respondents herein – part- time employees filed their respective writ petitions before the High Court being CWP Nos. 9167 of 2007 and 6854 of 2008. At this stage, it is required to be noted that pursuant to the judgment and order passed by the learned Tribunal, the Department/Government was required to formulate the regularization scheme, which was not formulated and, therefore, the contempt proceedings were initiated. By its order dated 19.05.2014, the High Court issued a notice in the contempt proceedings to the Secretary (Post) and directed to place the scheme before the Court by 04.07.2014. In view of the abovesaid directions dated 19.05.2014, the Department formulated a policy for regularization of casual labourers considering the observations made by this Court in the case of Umadevi (supra) and subsequent to the O.M. of DoPT dated 11.12.2006 (referred to hereinabove) for the welfare of the casual labourers.

2.3 That by order dated 06.08.2014, the High Court directed the appellants to reconsider the claim of the respondents as per the new policy dated 30.06.2014. The authorities rejected the claim by order dated 11.09.2014 for the reasons that; (i) there are no sanctioned posts and (ii) employees

have not completed 10 years of service as on 10.04.2006 namely, the date of decision of this Court in Umadevi (supra).

2.4 By the impugned common judgment and order, the High Court has disposed of the aforesaid writ petitions with the following directions:-

> "[22] We, thus, direct the petitioner-authorities to re-visit the whole issue in its right perspective and complete the exercise to re-formulate their policy and take a decision to sanction the posts in phased manner within a specified time schedule. Let such a decision be taken within a period of six months from the date of receiving a certified copy of this order.
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> [23] Till the exercise as directed above, is undertaken, the respondents shall continue in service with their current status but those of them who have completed 20 years as part-time daily wagers, shall be granted 'minimum' basic pay of Group 'D' post(s) w.e.f. 1.4.2015 and/or the date of completion of 20 years contractual service, whichever is later." 2.5 Feeling aggrieved and dissatisfied with the impugned common judgment and order passed by the High Court, the Union of India and others have preferred the present appeals.
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> 3. At this stage, it is required to be noted that while issuing notice in the present appeals on 22.07.2016, this Court passed the following order:-
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> "On hearing Mr. Ranjit Kumar, learned Solicitor General appearing on behalf of the petitioners, we are not inclined to interfere with the directions of the High Court in paragraph 23 for granting minimum basic pay to Group 'D' posts from a particular date to those who have completed 20 years of part-time daily wage service. The petitioners should carry out that direction.

Insofar as the directions of the High Court to re-visit the whole issue of sanction of posts etc. and re-

formulation of policy are concerned, there appears some merits in the submission that the High Court should not have interfered in policy matters.

Issue notice on the special leave petition in that respect as well as on the application for condonation of delay.

The direction contained in paragraph 22 of the impugned order shall remain stayed until further orders."

4. Ms. Madhvi Divan, learned ASG has appeared on behalf of the appellants and Shri Rahul Gupta, learned counsel has appeared on behalf of the respondents.

5. Ms. Madhvi Divan, learned ASG has vehemently submitted that the High Court has not properly appreciated the facts that in the Post Office where the respondents were working, there are no sanctioned posts and that the respondents were serving as part-time contingent Safaiwalas for five hours a day and their wages were paid even from the contingent fund. It is submitted that neither the O.M. dated 11.12.2006 nor the subsequent regularization policy dated 30.06.2014 shall be applicable to the facts of the case at hand.

5.1 It is further submitted that even in the impugned judgment also, the High Court has observed that the respondents were working as part-time daily wages sweepers. It is submitted, therefore, in absence of the sanctioned posts in the Post Office where the respondents were working as part-time Safaiwalas, there services cannot be regularized. 5.2 It is further submitted that the directions issued by the High Court to sanction the posts can be said to be a policy decision, and, therefore, the High Court is not justified in issuing the Mandamus and/or direction to create and sanction the posts. It is submitted that the High Court has not properly appreciated the facts that even the O.M. dated 11.12.2006 and subsequent regularization policy dated 30.06.2014 were absolutely in consonance with the decision of this Court in the case of Umadevi (supra). It is submitted that in the case of Umadevi (supra) it has been specifically observed that the High Court, in exercise of jurisdiction under Article 226 of the Constitution of India, should not ordinarily issue direction for absorption, regularization or permanent continuance unless the recruitment was itself done regularly and in terms of constitutional scheme.

5.3 It is submitted that as per the dictum of this Court in the case of Umadevi (supra), the services of only those employees are to be regularized as a one-time measure, who are irregularly appointed and otherwise who are duly qualified persons in terms of the statutory requirement rules for the post and who have worked for 10 years or more in duly sanctioned posts but not under cover of the orders of courts or tribunals. It is submitted that, thereafter, the Department came out with the regularization policy dated 30.06.2014. It is submitted that even the High Court has also in the impugned judgment observed that there are no sanctioned posts in the office where the respondents were working. It is submitted further that the High Court has directed to create and sanction the posts, which is beyond the jurisdiction of the High Court in exercise of power under Article 226 of the Constitution. 5.4 It is further submitted that the High Court has not taken note of the Recruitment Rules, 2002, which were replaced by 2010 Rules, however, the same shall not be applicable to the Postal Department as specifically mentioned in the said rules. It is further submitted that even the High Court has observed that it is no doubt true that a part-time employee cannot seek parity with full-time worker but despite the same the High Court has observed that whatever benefits, authorities decide to confer on the full-timers, the same can be extended to part-timers as well, of course, on such additional and stringent conditions like double the length of contingent service and/or other reasonable and fair conditions which the authorities may deem fit. It is submitted that the aforesaid observations are also beyond the scope and ambit of exercise of the power under Article 226 of the Constitution.

5.5 It is further submitted that even the High Court has also materially erred in observing that though the respondents are working for four to five hours as part-time daily wagers, they must have worked for full day. It is submitted that aforesaid is absolutely without any basis and the same is not

supported by any evidence. It is further submitted that even the observations made by the High Court in paragraph 9 that it is true that these employees are working on "part-time basis only", the ground realities of which a Court can take judicial notice, leave no room to doubt that once the respondents come to their respective work place to perform duties, may be for four to five hours, it is nearly impossible for them to secure another job for the rest of the day. It is submitted that the aforesaid observation is on surmises and conjunctures only. It is submitted that the entire observations made in paragraph 9, thus, are on surmises and conjunctures, which has no factual basis at all. 5.6 Ms. Madhvi Divan, learned ASG has relied upon the decisions of this Court in the cases of Union of India and Ors. Vs. A.S. Pillai and Ors., (2010) 13 SCC 448; State of Rajasthan and Ors. Vs. Daya Lal and Ors., (2011) 2 SCC 429 and Secretary, Ministry of Communications and Ors. Vs. Sakkubai and Anr. (1997) 11 SCC 224 in support of her submission that services of a part-time worker working on the post of a full-time worker cannot be regularized. She has also relied upon the decision of this Court in the cases of Dr. Ashwani Kumar Vs. Union of India and Anr., (2020) 13 SCC 581; State of Karnataka and Anr. Vs. Dr. Praveen Bhai Thogadia, (2004) 4 SCC 684; Anuradha Bhasin Vs. Union of India and Ors., (2020) 3 SCC 637; Oil and Natural Gas Corporation Vs. Krishan Gopal & Ors., (2020) SCC Online SC 150; State of Maharashtra & Anr. Vs. R.S. Bhonde & Ors., (2005) 6 SCC 751 in support of her submission that in judicial review, a Court has no right to direct the Government to review the policy of appointment; in judicial review the Court cannot interfere in the administrative matters and that in the absence of a regular sanctioned post, the Court cannot direct to create one.

6. Present appeals are opposed by Shri Rahul Gupta, learned counsel appearing on behalf of the respondents. It is submitted that by the impugned judgment and order the High Court has decided as many as nine petitions, however, two out of nine are being challenged before this Court. It is submitted, therefore, that qua other seven writ petitions, the Union of India has accepted the verdict and it has become final as the same have not been challenged. It is further submitted that while issuing notice in the present appeals on 22.07.2016, this Hon'ble Court made it clear that it was not inclined to interfere with the directions of the High Court in paragraph 23 of the judgment and, therefore, the scope of present case now confines to the directions contained in paragraph 22 of the impugned judgment. It is submitted that in the present case, the respondent No.1 – Ilmo Devi, who was working continuously since 1982 as a sweeper has already attained the age of retirement and the other respondent Babli, who was working continuously since 1991 as a sweeper is of around 53 years of age and, therefore, this Court may not interfere with the impugned judgment and order passed by the High Court and the present appeals be dismissed keeping the question of law open.

6.1 On merits, Shri Gupta, learned counsel has relied upon the decision of this Court in the case of Umadevi (supra) and in the case of Mineral Exploration Corpn. Employees' Union Vs. Mineral Exploration Corpn. Ltd. and Anr., (2006) 6 SCC 310.

7. Heard the learned counsel for the respective parties at length.

8. At the outset, it is required to be noted that the respondents- original applicants were working as contingent paid part-time sweepers (Safai Karamcharies working for less than five hours a day) in a Post Office at Chandigarh. It is not in dispute and cannot be disputed that there are no sanctioned

posts of Safaiwalas in the Post Office in which the respondents were working. There is no documentary evidence on record to establish and prove that the respondents were working continuously. Even otherwise as observed hereinabove, they were working as contingent paid part-time sweepers. Even it is not the case on behalf of the respondents that their appointment was done after following due procedure of selection and to that extent, it cannot be said that their appointments were irregular. As such in the absence of any sanctioned posts in the Post Office in which the respondents were working, there was no question of appointing the respondents after following due procedure. In light of the above, the directions issued by the High Court in the impugned judgment and order are required to be considered.

8.1 In the present case, pursuant to the order passed by the learned Tribunal and the order passed in the contempt proceedings, the appellants came out with a regularization policy dated 30.06.2014. In the said regularization policy, it has been provided as under:-

> "(i) Regularization of all the Casual Labourers, who have been irregularly appointed, but are duly qualified persons in terms of statutory requirement rules for the post and was engaged against a sanctioned post, shall be done if they have worked for 10 years or more but not under the covers of orders of courts or tribunals as on the date of Hon'ble Apex Court's ibid judgment, i.e., 10.04.2006.

(ii) A temporary contractual, casual or daily wage worker shall not have a legal right to be made permanent unless he/she fulfills the above criteria.

(iii) A Casual Labourer engaged without following the due process or the rules relating to appointment and does not meet the above criteria shall not be considered for their absorption, regularization, permanency in the Department.

(iv) If a Casual Labourer was engaged in infraction of the rules or if his engagement is in violation of the provisions of the Constitution, the said illegal engagement shall not be regularized." 8.2 The aforesaid regularization policy has been framed considering the decision of this Court in the case of Umadevi (supra). That thereafter pursuant to the interim order passed by the High Court dated 06.08.2014, the appellant authorities reconsidered the claim of the respondents herein as per the regularization policy dated 30.06.2014 and the same came to be rejected vide communication dated 11.09.2014 mainly on the ground that there are no sanctioned posts and the employees have not completed ten years of service as on 10.04.2006.

8.3 By the impugned judgment and order, the High Court has directed to reformulate the regularization policy and to take a decision to sanction the post in a phased manner. While issuing the aforesaid directions, the High Court made certain observations, relevant observations, which are necessary for the purpose of present appeals are as under:-

> "[8] The respondents in all these cases have worked for more than 10 to 20 years as contingent employees and some of them (like in the lead case) have served for about 30 years. A few of them are obviously nearing retirement age as prescribed under the

Central/State Service Rules.

[9] It is true that these employees are working on 'part-

time basis' only. The ground realities of which a Court can take judicial notice, leave no room to doubt that once the respondents come to their respective work place to perform duties, may be for 4 to 5 hours, it is nearly impossible for them to secure another job for the rest of the day. The petitioner-authorities cannot be oblivious of the fact that where supply of manual labour is more than the demand, the market forces won't permit the private-

respondents to have the choice of getting another and alternative employment for the remainder of the day after they are relieved of their duties by the postal authorities.

[12] It is no doubt true that a 'part-time' employee cannot seek parity with a 'full time' worker but then the petitioner-authorities can also draw no mileage out of their undue favour shown to those who are engaged for 7 to 8 hours and total neglect of the others who are 'part-time' due to 4 to 5 hours engagement. It appears to us that whatever benefits authorities decide to confer on the full-timers, the same can be extended to part-timers as well, of course, on such additional and stringent conditions like double the length of contingent service and/or other reasonable and fair conditions which the authorities may deem fit.

[13] While we refrain from suggesting any policy module as such an exercise falls within the domain of the Executive only, the authorities ought to be cautioned that the policy, so framed, must reflect the due application of mind as well as their conscious decision to reject or accept the claim of any class or category of contractual employees.

[15] Be that as it may, now the Department of Postal and Ministry of Communication and I.T. has issued a policy circular dated 30.06.2014 for the welfare of casual labourers. The above-stated policy is said to have been issued in compliance to the directions issued in Uma Devi's case (supra). The salient feature of the aforesaid policy are to the following effect.

"(i) Regularization of all the casual Labourers, who have been irregularly appointed, but are duly qualified persons in terms of statutory recruitment rules for the post and was engaged against a sanctioned post, shall be done if they worked for 10 years or more but not under the covers of orders of courts or tribunals as on the date of Hon'ble Apex Court's ibid judgment i.e. 10.04.2006 (Secretary State of Karnataka and others versus Uma Devi and others in Civil Appeal No.3595- 3612/1999).

(ii) A Temporary, Contractual, Casual or Daily wage worker shall not have a legal right to be made permanent unless he/she fulfills the above criteria.

(iii) A casual Labourer engaged without following the due process or the rules relating to appointment and does not meet the above criteria shall not be considered

for their absorption, regularization, permanency in the Department.

> (iv) If a casual Labourer was engaged in Infraction of the rules or if his engagement is in violation of the provision of the Constitution, the said illegal engagement shall not be regularized...."(emphasis applied) [18] We have given our thoughtful consideration to both the reasons assigned by the petitioner-authorities, who have further stated that as of now, fresh engagements on contingent or daily wage basis have been completely stopped. If that is so, it can be safely inferred that only a small group of daily wage part-time employees engaged before 10.04.2006 are still working. If their eligibility of 10 years daily wage service is determined in the year 2014-15 on the basis of cut off date of 10.04.2006, such a policy would be an exercise in futility. The petitioners themselves have taken more than 8 years in giving effect to one of the directions in Uma Devi's case (supra), hence, they cannot reject the claim of daily-wage employees with an ante-date cut off date as the compliance of such an eligibility condition is nearly impossible. This would render the policy totally ineffective and a brutum fulmen without percolating even a drop of benefit to those for whom it has been formulated.

[20] Surely, the respondents cannot be made regular in the absence of sanctioned posts, but then what is the public purpose sought to be achieved through the policy dated 30.06.2014? The Executive who has authored the policy is also competent to create or sanction the posts. Depending upon the total expenditure now being incurred on the retention of respondents, we have no reason to doubt that the petitioners can rationalize their resources and sanction some regular posts every year so that the respondents can be adjusted on regular basis without any unbearable additional financial burden on the Department, but before they leave the department on attaining the age of superannuation. [21] The petitioners might have incurred huge expenditure in defending multiple litigation initiated by contractual employees who are now a diminishing cadre. This is for the petitioners to take a pragmatic view and divert this unproductive expenditure towards sanctioning the posts in a phased manner for adjusting the respondents." 8.4 The observations made in paragraph 9 are on surmises and conjunctures. Even the observations made that they have worked continuously and for the whole day are also without any basis and for which there is no supporting evidence. In any case, the fact remains that the respondents served as part-time employees and were contingent paid staff. As observed above, there are no sanctioned posts in the Post Office in which the respondents were working, therefore, the directions issued by the High Court in the impugned judgment and order are not permissible in the judicial review under Article 226 of the Constitution. The High Court cannot, in exercise of the power under Article 226, issue a Mandamus to direct the Department to sanction and create the posts. The High Court, in exercise of the powers under Article 226 of the Constitution, also cannot direct the Government and/or the Department to formulate a particular regularization policy. Framing of any scheme is no function of the Court and is the sole prerogative of the Government. Even the creation and/or sanction of the posts is also the sole prerogative of the Government and the High Court, in exercise of the power under Article 226 of the Constitution, cannot issue Mandamus and/or direct to create and sanction the posts.

8.5 Even the regularization policy to regularize the services of the employees working on temporary status and/or casual labourers is a policy decision and in judicial review the Court cannot issue Mandamus and/or issue mandatory directions to do so. In the case of R.S. Bhonde and Ors. (supra), it is observed and held by this Court that the status of permanency cannot be granted when there is no post. It is further observed that mere continuance every year of seasonal work during the period when work was available does not constitute a permanent status unless there exists a post and regularization is done. 8.6 In the case of Daya Lal & Ors. (supra) in paragraph 12, it is observed and held as under:-

> "12. We may at the outset refer to the following well- settled principles relating to regularisation and parity in pay, relevant in the context of these appeals:
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> (i) The High Courts, in exercising power under Article 226 of the Constitution will not issue directions for regularisation, absorption or permanent continuance, unless the employees claiming regularisation had been appointed in pursuance of a regular recruitment in accordance with relevant rules in an open competitive process, against sanctioned vacant posts. The equality clause contained in Articles 14 and 16 should be scrupulously followed and Courts should not issue a direction for regularisation of services of an employee which would be violative of the constitutional scheme. While something that is irregular for want of compliance with one of the elements in the process of selection which does not go to the root of the process, can be regularised, back door entries, appointments contrary to the constitutional scheme and/or appointment of ineligible candidates cannot be regularised.
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> (ii) Mere continuation of service by a temporary or ad hoc or daily-wage employee, under cover of some interim orders of the court, would not confer upon him any right to be absorbed into service, as such service would be "litigious employment". Even temporary, ad hoc or daily-wage service for a long number of years, let alone service for one or two years, will not entitle such employee to claim regularisation, if he is not working against a sanctioned post. Sympathy and sentiment cannot be grounds for passing any order of regularisation in the absence of a legal right.
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> (iii) Even where a scheme is formulated for regularisation with a cut-off date (that is a scheme providing that persons who had put in a specified number of years of service and continuing in employment as on the cut-off date), it is not possible to others who were appointed subsequent to the cut-off date, to claim or contend that the scheme should be applied to them by extending the cut-off date or seek a direction for framing of fresh schemes providing for successive cut-off dates.
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> (iv) Part-time employees are not entitled to seek regularisation as they are not working against any sanctioned posts. There cannot be a direction for absorption, regularisation or permanent continuance of part-time temporary employees.

> (v) Part-time temporary employees in government-run institutions cannot claim parity in salary with regular employees of the Government on the principle of equal pay for equal work. Nor can employees in private employment, even if serving full time, seek parity in salary with government employees.

The right to claim a particular salary against the State must arise under a contract or under a statute.

[See State of Karnataka v. Umadevi (3) [(2006) 4 SCC 1], M. Raja v. CEERI Educational Society [(2006) 12 SCC 636], S.C. Chandra v. State of Jharkhand [(2007) 8 SCC 279], Kurukshetra Central Coop. Bank Ltd. v. Mehar Chand [(2007) 15 SCC 680] and Official Liquidator v. Dayanand [(2008) 10 SCC 1.] 8.7 Thus, as per the law laid down by this Court in the aforesaid decisions part-time employees are not entitled to seek regularization as they are not working against any sanctioned post and there cannot be any permanent continuance of part-time temporary employees as held. Part-time temporary employees in a Government run institution cannot claim parity in salary with regular employees of the Government on the principle of equal pay for equal work.

8.8 Applying the law laid down by this court in the aforesaid decisions, the directions issued by the High Court in the impugned judgment and order, more particularly, directions in paragraphs 22 and 23 are unsustainable and beyond the power of the judicial review of the High Court in exercise of the power under Article 226 of the Constitution. Even otherwise, it is required to be noted that in the present case, the Union of India/Department subsequently came out with a regularization policy dated 30.06.2014, which is absolutely in consonance with the law laid down by this Court in the case of Umadevi (supra), which does not apply to the part-time workers who do not work on the sanctioned post. As per the settled preposition of law, the regularization can be only as per the regularization policy declared by the State/Government and nobody can claim the regularization as a matter of right dehors the regularization policy. Therefore, in absence of any sanctioned post and considering the fact that the respondents were serving as a contingent paid part-time Safai Karamcharies, even otherwise, they were not entitled for the benefit of regularization under the regularization policy dated 30.06.2014.

8.9 Though, we are of the opinion that even the direction contained in paragraph 23 for granting minimum basic pay of Group 'D' posts from a particular date to those, who have completed 20 years of part-time daily wage service also is unsustainable as the part-time wagers, who are working for four to five hours a day and cannot claim the parity with other Group 'D' posts. However, in view of the order passed by this Court dated 22.07.2016 while issuing notice in the present appeals, we are not quashing and setting aside the directions contained in paragraph 23 in the impugned judgment and order so far as the respondents' employees are concerned.

9. In view of the above and for the reasons stated above, both the appeals succeed. The impugned judgment and order passed by the High Court and, more particularly, the directions contained in paragraphs 22 and 23 in the impugned judgment and order are hereby quashed and set aside. However, it is observed that quashing and setting aside the directions issued in terms of paragraph 23 in the impugned judgment and order shall not affect the case of the respondents and they shall be

entitled to the reliefs as per paragraph 23 of the impugned judgment and order passed by the High Court.

With these observations, both the appeals are allowed and in the facts and circumstances of the case, there shall be no order as to costs.

.....J.
[M.R. SHAH]

NEW DELHI; .....J.
OCTOBER 07, 2021. [A.S. BOPANNA]