

Jivanlal vs Pravin Krishna, Principal Secretary ... on 14 December, 2016

Equivalent citations: AIR 2016 SC (SUPP) 966, 2016 (15) SCC 747, (2017) 2 SERVLR 622, (2017) 7 ADJ 83 (SC), (2017) 1 SCALE 426, (2017) 2 ESC 188

Bench: Rohinton Fali Nariman, Kurian Joseph

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 12080 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 920 OF 2016]

JIVANLAL

Appellant(s)

VERSUS

PRAVIN KRISHNA, PRINCIPAL SECRETARY AND ORS. Respondent(s)

WITH

CIVIL APPEAL NO. 12082 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 921 OF 2016]

CIVIL APPEAL NO. 12083 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 923 OF 2016]

CIVIL APPEAL NO. 12085 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 928 OF 2016]

CIVIL APPEAL NO. 12087 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 929 OF 2016]

CIVIL APPEAL NO. 12088 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 930 OF 2016]

CIVIL APPEAL NO. 12089 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 933 OF 2016]

CIVIL APPEAL NO. 12092 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 935 OF 2016]

CIVIL APPEAL NO. 12093 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 1024 OF 2016]

CIVIL APPEAL NO. 12094 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 1025 OF 2016]

CIVIL APPEAL NO. 12096 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 1026 OF 2016]

CIVIL APPEAL NO. 12098 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 1027 OF 2016]

CIVIL APPEAL NO. 12099 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 1028 OF 2016]

CIVIL APPEAL NO. 12101 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 1029 OF 2016]

CIVIL APPEAL NO. 12103 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 1030 OF 2016]

CIVIL APPEAL NO. 12106 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 1031 OF 2016]

CIVIL APPEAL NO. 12107 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 1032 OF 2016]

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. The appellants have prayed for regularization of their services with effect from the date they completed 10 years of service. Main reliance is placed on the orders passed by the respondents in the case of similarly situated persons.

3. The learned counsel for the respondents has vehemently contended that all the regularization orders passed in the case of those pointed out by the appellants are illegal since the State, in principle, had decided to discontinue the appointment to the post of Sweepers by order dated 10.12.1997. However, the fact remains that after the said order also, many similarly situated persons have been granted regularization with effect from the date of completion of 10 years of service.

4. In that view of the matter, we do not find any justification in discriminating the appellants herein. The policy had been violated in many cases. There cannot be any pick and choose policy; it would certainly lead to corruption. Hence, the appeals are allowed with a direction to the respondents to grant similar treatment to the appellants herein as well and grant regularization to them with effect from the date of completion of 10 years of service.

5. The needful shall be done within two months. Consequential benefits, if any, shall be disbursed within another one month.

6. It is made clear that in case the disbursement is not done within the period mentioned above, the appellants shall be entitled to interest at the rate of 12% and the official(s) responsible for the delay will be personally liable for the same.

No costs.

.....J. [KURIAN JOSEPH]J. [ROHINTON FALI NARIMAN] New Delhi;

December 14, 2016.