

J-II Section

Dt. 2-6-1993.

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SUPREME COURT ORDERS/DIRECTION

IN

ORIGINAL APPLICATION NO. 619/88.

~~TRANSFERRED APPLICATION NO.~~

Supreme Court Letter No. D.No. 133/93/sec. IX.,
dated 18-5-93 (Flag 'A'), enclosing therewith
certified copy of Judgement/Order dated 3-5-93 (Flag 'B'),
is placed below for perusal please. *modifying jud 18/6/93. c.*
S.C.I.

2/6/93

Section Officer:

Deputy Registrar:

Registrar:

2/6/93
B 2/6

Hon'ble Vice Chairman, Justice Shri (M.S. Deshpande):

Hon'ble Member(A), Shri M.Y. Priolkar:

on leave

Hon'ble Member(A), Miss Usha Savara:

MS

Hon'ble Member(J), Shri V.D. Deshmukh:

V.D.

For Office Information/Note:

- ✓ 1. Entry in O.A./T.A. Register.
- ✓ 2. Proforma for circulation to other Benches.
- ✓ 3. Circulation.
- ✓ 4. Notices to parties of Lodgment.
- ✓ 5. Acknowledgement Received and submitted Sup.Court.
- ✓ 6. Preparation for Record & Proceedings.
- ✓ 7. Dispatching R/P to Supreme Court.

All communications should be addressed to the Registrar, Supreme Court, by designation, NOT by name. Telegraphic address :- "SUPREMECO"

No.
D.No.133/93/SecIX
**SUPREME COURT
INDIA**

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Dated New Delhi, the 18th May, 1993 19

FROM

Assistant Registrar,
Supreme Court of India.

TO

The Registrar,
Central Administrative Tribunal,
Bombay Bench, Gulestan Bldg.No.6,
3rd-4th Floor, Presscot Road,
Fort, Bombay-400 001.

DA 619/88

CIVIL APPEAL NO.2867 OF 1993

(From Central Administrative Tribunal Bombay Bench, Bombay Order dated 18th June, 1992 in O.A.No.619 of 1988)

Union of India and Ors. ..Petitioners

Versus

Dr.(Mrs.) Sujata Bhushan Khadilkar
and Ors. ..Respondents

M. Khadilkar
2/15

Sir,

In pursuance of Order XIII, Rule 6, S.C.R.1966, I am directed by their Lordship of the Supreme Court to transmit herewith a certified copy of the Judgment/Order dated the 3rd May, 1993 in the appeal above-mentioned.

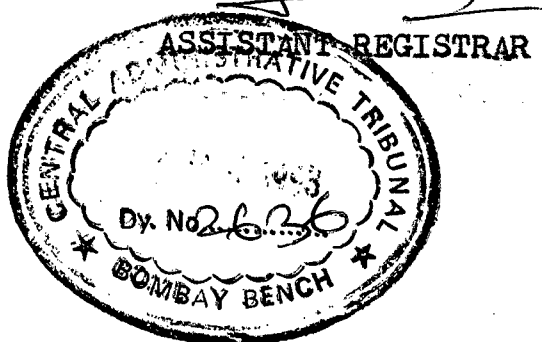
The Certified copy of the decree made in the said appeal and the Original if any will be sent later on.

Please acknowledge receipt.

Yours faithfully,

Encl.As above

See File 2615



50 S.F.
Certified to be true copy

Assistant Registrar (Judicial)

19-5-1993
Supreme Court of India

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEALS NOS. 2867 OF 1993
(Arising out of SLP (C) Nos. 13578-84 of 1992,
12048/92 & SLP (C) No. /93-CC 19487)

446216

Union of India & Ors. Etc.

.... Appellants

Versus

Jitendra Singh & Ors. Etc.

.... Respondents

(40)

ORDER

Delay condoned.

Special leave granted.

The learned counsel for the petitioners seeks leave to strike out the names of Respondents Nos. 15, 33, 43-45, 47 and 51 who have since resigned. We accede to that request. Their names may be struck off from the cause-title of the petition.

The only direction → which we propose to modify is in regard to the fixation of seniority. In paragraph 20(2) of the impugned judgment the Tribunal has observed that after the services of the applicants are regularised through UPSC, they will be accorded seniority from the dates of their initial appointment

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(41)

on ad hoc basis as Medical Officers after condoning the technical breaks in their ad hoc services. The service rendered by them during the period of operation of the stay order passed by the Tribunal is also directed to be counted as service for the purpose of regularisation. The learned counsel for the appellants submitted that the question of seniority was not specifically put in issue before the Tribunal since no such relief was claimed in the petition. He further states that such a direction without others likely to be affected being parties, would create an inter se dispute regarding seniority which would have to be resolved in accordance with the extant rules. We, therefore, merely clarify that the direction in paragraph 20(2) in regard to fixation of seniority shall be modified to mean that the fixation of seniority would be in accordance with the extant rules. We, however, do not interfere with the direction that service rendered during the pendency of the interim order of the Tribunal shall also be taken into account for the purposes of regularisation. Except for this modification we do not interfere with the impugned order of the Tribunal. The appeal will stand allowed to the above extent only. No order as

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WM

to costs. The incumbents will be at liberty to question the seniority order if it is not in accordance with the extant rules applicable to that group of employees in any appropriate forum.

Sd/-
(A. M. Ahmadi) J

Sd/-
(S. Mehan) J

New Delhi,
May 3, 1993

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8/10/93

SEALED IN MY PRESENCE

19/9/93

J-II Section

Dt. 29-7-93.

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SUPREME COURT ORDERS/DIRECTION

IN

ORIGINAL APPLICATION NO. 619/88.

TRANSFERRED APPLICATION NO.

Supreme Court Letter No. D.No. 133/93/XIV,
dated 13-9-93 (Flag 'A'), enclosing therewith
certified copy of Judgement ^{Decree} Order dated 3-5-93 (Flag 'B'),
is placed below for perusal please.

29/7/93
Section Officer: *B.M.*

30/9
Deputy Registrar: *30/9*

Registrar: *30/9*

Hon'ble Vice Chairman, Justice Shri M.S. Deshpande: *30/9*

Hon'ble Member(A), Shri M.Y. Priolkar: *30/9*

Hon'ble Member(A), Mr. N.K. Verma: *N.K.V.*

Hon'ble Member(J), Mrs. L. Swaminathan: *28/9*

For Office Information/Note:

1. Entry in O.A./T.A. Register.
2. Proforma for circulation to other Benches.
3. Circulation.
4. Notices to parties of Lodgment.
5. Acknowledgement Received and submitted Sup. Court.
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D.No. 133/93/XIV

All communications should be addressed to the Registrar, Supreme Court, by designation. NOT by name Telegraphic address :- "SUPREMECO"

SUPREME COURT INDIA

Dated New Delhi, the 13th September, 19 93.

FROM

The Registrar (Judicial), Supreme Court of India, New Delhi.

TO

The Registrar, Central Administrative Tribunal, Bombay Bench, Gulestan Bldg.No.6, 3rd-4th Floor, Presscot Road, Fort, Bombay-400 001.

OA 619/88

CIVIL APPEAL NO.2867 OF 1993.

Union of India and Ors.

Appellants.

Versus

Dr. (Mrs.) Sujata Bhushan Khadilkar and Ors.

Respondents.

Sir,

In continuation of this Registry's letter of even number dated the 18th May, 1993, I am directed to transmit herewith for necessary action a certified copy of the Decree dated the 3rd May, 1993 of the Supreme Court in the said appeal.

Please acknowledge receipt.

Yours faithfully,

[Signature]

for Registrar (Judicial).

Jud II
9/9/93

