

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

I.A. No. 326-328,332-337,338-340 in I.A.No.326-328/2006 in C.A.No. 7555-7556/2001 & C.A.No. 7606/2001

STATE OF U.P.

Appellant (s)

VERSUS

MUKESH KUMAR & ORS. ETC. ETC.

Respondent(s)

(For clarification/modification of judgment dated 16.12.2005 and exemption from filing O.T.and for impleadment)

With

I.A.No. 329 in C.A.No.7569/2001

(For clarification of judgment dated 16.12.2005)

I.a.No. 330-331 in C.A.No. 7558/2001 in C.A. No. 7545-7546/2001

(for intervention and exemption from filing O.T.)

I.A.No. 322-424 & 425-527 in c.a. No. 7647-7748/2001

(For clarification/ modification of the judgment dated 16.12.2005 and exemptin from filing O.T .)

I.A.No. 3-4 in C.A. No. 4092/2001

(For clarificatin/modification of judgment dated 16.12.2005 and for impleadment and office report)

Date: 28/04/2006 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Appellant(s)

Mr.M.L. Verma, Sr. Adv.

Mr.Aarohi Bhalla, Adv.

Ms. Sujata Kurdukar,Adv.

For Respondent(s)

Mr.Rajiv Dutta, Sr.Adv,.

Mr. M.P. Shorawala, Adv.

Mr. M.F. Humayunisa, Adv.

Mr. C.L. Sahu, Adv

Mr. A.K. Ganguli, Sr. Adv.

Mr. Kaushal Yadav, Adv.

Mr. Harinder Mohan Singh, Adv

Mr. Anil Hooda, Adv.

Ms. Shabana Saifi, Adv.

Mr. K.V. Viswanathan, Adv.

Mr. Atul Kumar Sinha, Adv.

Mr. Devendra Singh, Adv.

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Mr. Shakil Ahmed Syed, Adv

Mr. D. Mahesh Babu, Adv

Ms. Rachana Srivastava, Adv

Mr. Raj Singh Rana, Adv

Mr. K.B. Sinha, Sr. Adv.

Mr. Kumar Parimal, Adv.

Mr. Aniruddha P. Mayee, Adv.

UPON hearing counsel the Court made the following

O R D E R

It is stated at the Bar that although this Court in its judgment dated 16.12.2005 specifically dealt with the cases of those employees who are affected by order dated 12.2.1999 issued by the Board in terms of the policy decision of the State and who had been appointed during the period from 1.4.1996 to 30.10.1997, the cases of others who had also filed writ applications before the Allahabad

High Court had not been dealt with already certain observations have been made in the judgment in the

above-mentioned case.

Mr. M.L.Verma, learned senior counsel states that in the event this Court makes

an observation that in this Court's judgment dated 16.12.2005, the cases of other category of employees

had not been dealt with by this Court, the High Court's judgment shall prevail. Mr.M.L. Verma, learned

senior counsel furthermore states that the applicants herein were not covered by the notification dated

12.2.1999 but by an order dated 4.11.998.

In view of the a stand taken by the learned counsel appearing for the parties, we

are of the opinion that it is necessary for this Court to deal with the cases of other category of employees

also.

Let notices be issued in the remaining matters.

Mrs. Sujata Kurdukar, learned counsel accepts notice for the State.

Matter to come up for final disposal in July, 2006. Pleadings be completed in the

meantime.

(Meenu Sethi)

(Khushi Ram)

Court Master

Court Master