

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7703 OF 2002

UNION OF INDIA & ANR.

.....APPELLANT(S)

Versus

INDULAL JOSHI

.....RESPONDENT(S)

ORDER

Heard learned counsel for the appellant. Despite notice, none appears on behalf of the respondent.

Briefly stated, the facts are as follows.

The respondent was engaged as a casual labour sometimes in the year 1985. In 1993, a scheme was formulated stating that casual labours would be given temporary status of Group 'D' cadre posts. Aggrieved thereby, the respondent raised the dispute before the Division Bench of the High Court in Special Civil Application No.6369 of 2001. By its impugned order, the Division Bench of the High Court directed that the respondent be given pay protection in Group 'C' posts. In our view, the High Court has erred in giving such direction. The scheme for temporary status was formulated in 1993 only for Group 'D' temporary posts. No such scheme has been formulated for the protection of Group 'C' posts.

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In that view of the matter, the order of the High Court is set aside. Appeal is allowed. No costs.

.....J.
(H.K. SEMA)

New Delhi;
May 07, 2008.

.....J.
(MARKANDEY KATJU)

JUDIS