

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

Civil Appeal No(s). 2268/2011

HASHMUDDIN & ORS.

Appellant(s)

VERSUS

LIFE INSURANCE CORPORATION OF INDIA & ORS.

Respondent(s)

([RETAIN ITS POSITION]

IA No. 5/2017 - APPLN. DIRECTION FILED BY MS. ANJNAI

IA No. 6/2017 - APPLN. DIRECTION FILED BY MS. ANJNAI

IA No. 85970/2016 - IA NO. 4 OF 2016 (DIRECTION))

WITH C.A. No. 7676/2019

(FOR ON IA 4/2016

FOR ON IA 5/2017)

C.A. No. 4629/2011

(FOR FOR MODIFICATION OF COURT ORDER ON IA 2/2016

FOR ON IA 3/2016

FOR [APPL. FOR IMPLEADMENT] ON IA 5/2016

FOR ON IA 7/2016

FOR ON IA 9/2016

FOR [APPL. FOR DIRECTION FILED BY MR. S.R.SETIA] ON IA 10/2017

FOR [PERMISSION TO FILE ANNEXURES] ON IA 11/2017

FOR ON IA 11/2017

FOR EXEMPTION FROM FILING O.T. ON IA 12/2017

IA No. 10/2017 - APPL. FOR DIRECTION FILED BY MR. S.R.SETIA

IA No. 11/2017 - I.A. FOR DIRECTIONS

IA No. 11/2017 - I.A. FOR DIRECTIONS

IA No. 2/2016 - MODIFICATION OF COURT ORDER)

C.A. No. 2571/2013

(FOR MODIFICATION OF COURT ORDER ON IA 1/2016

FOR ON IA 2/2017

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS ON IA 21437/2018

IA No. 1/2016 - MODIFICATION OF COURT ORDER)

Date : 05-12-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE K.M. JOSEPH

For Appellant(s)

Mrs. Anjani Aiyagari, AOR

Mr. M.V.Rama, Adv.

Mr. Anurag Dubey, Adv.
Ms. Anu Sawhney, Adv.
Ms. Manisha Yadav, Adv.
Mr. Pramod Kumar, Adv.
Mr. S. R. Setia, AOR

Mr. Puneet Taneja, AOR

For Respondent(s) Mr. Kailash Vasdev, Sr. Adv.
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Mr. Anmol Tayal, Adv.
Mr. Nabab Singh, Adv.

Mr. Anmol Chandan, Adv.
Dr. Nishesh Sharma, Adv.
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Mr. Anurag Dubey, Adv.
Ms. Anu Sawhney, Adv.
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Ms. Divya Roy, AOR

Mr. Aniruddha P. Mayee, AOR
Mr. K. Subba Rao, Adv.
Mr. A. Rajarajan, Adv.

Mr. Chandra Bhushan Prasad, AOR

Mr. Sarvam Ritam Khare, AOR

Mrs. Anjani Aiyagari, AOR
Mr. M. V. Rama, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Since we are examining the main appeals, no orders are necessary to be passed on the applications for directions which are disposed of.

We have perused the affidavit filed on behalf of the respondent-Corporation stated to be in compliance of the order dated 19th November, 2019. It is stated in the affidavit that all scales of pay as revised from time to time were given *albeit* as applicable to temporary employees with period is wage revision and on their being made permanent in service, their regular scales of pay benefits have been extended to them.

On the other hand, learned counsels for the appellants have drawn our attention to order dated 1st October, 2019 to contend that the aforesaid begs the question i.e. whether the time period which was spent by the appellants as temporary employees should be counted for pay fixation. The answer given by the counsel for the respondent-Corporation is negative to this aspect.

Thus, the question which would have to be examined would be that are the appellants entitled to counting of their period spent in temporary posts towards fixation of their pay on permanent status after they have been given the said permanent status.

List after the sitting of the Constitution Bench of which one of us (Sanjay Kishan Kaul, J.) is a member.

Liberty granted to file reply to the affidavit of the respondent-Corporation within four weeks.

(ANITA MALHOTRA)
COURT MASTER

(ANITA RANI AHUJA)
COURT MASTER