

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1877 OF 2018
[@ SPECIAL LEAVE PETITION (C) NOS. 4893 OF 2018]
[DIARY NO(S) . 39540 OF 2017]

UNION OF INDIA & ORS.

APPELLANT(S)

VERSUS

ACQUILIN ROSE M.

RESPONDENT(S)

J U D G M E N T

KURIAN, J.

1. Delay condoned. Leave granted.

2. The appellants are before this Court, aggrieved by Judgment dated 18.07.2017 passed by the High Court of Kerala at Ernakulam in OP(CAT) No. 244 of 2016.

3. The dispute in this case pertains to the claim made by the first respondent for appointment under the Evictee Scheme of the appellants.

4. The High Court allowed the writ petition and issued a direction to grant appointment under the Evictee Scheme. When this matter came up before this Court, it was enquired as to whether any

Grade 'C' or 'D' post is available. On instruction, it was informed that taking note of the peculiar facts of the case and without treating it as a precedent, the first respondent can be accommodated as a Catering Attendant 'A', which is a Grade 'C' post.

5. The learned counsel for the first respondent points out that for more than seven years, the first respondent has been working as a Technical Assistant (though under an outsourcing arrangement) and hence, she may be considered for appointment at least as a Fitter, for which there is a vacancy available. Ms. V. Mohana, learned senior counsel, has brought to our notice that the Fitter is a Grade 'B' post and under the Evictee Scheme, what is available is only appointment under either Grade 'C' or Grade 'D' post.

6. In the above circumstances, this appeal is disposed of directing the appellants to appoint the first respondent forthwith as a Catering Attendant 'A'. However, taking note of the vast experience and qualification of the first

respondent, it will be open to the appellants to utilize her services appropriately, ignoring the category under which she is appointed. We make it clear that there shall be no further screening in the appointment process. We further make it clear that this Judgment is passed in the peculiar facts of this case and hence, it shall not be treated as a precedent.

.....J.
[KURIAN JOSEPH]

.....J.
[MOHAN M. SHANTANAGOUDAR]

New Delhi;
February 13, 2018.

ITEM NO.16

COURT NO.5

SECTION XI -A

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 39540/2017

(Arising out of impugned final judgment and order dated 18-07-2017 in OPCAT No. 244/2016 passed by the High Court Of Kerala At Ernakulam)

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

ACQUILIN ROSE M.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.140535/2017-CONDONATION OF DELAY IN FILING SLP and IA No.140547/2017-PERMISSION TO FILE SYNOPSIS AND LIST OF DATES)

Date : 13-02-2018 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mrs. V. Mohana, Sr. Adv.
Ms. Rekha Pandey, Adv.
Mr. Sanjay Kumar Tyagi, Adv.
Mr. Raj Bahadur, Adv.
Mrs. Anil Katiyar, AOR

For Respondent(s) Mr. Ramesh Babu M. R., AOR

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

Leave granted.

The appeal is disposed of in terms of the signed
non-reportable Judgment.

Pending Interlocutory Applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed non-reportable Judgment is placed on the file)