

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2722 OF 2022
(Arising out of SLP (C) No.1076 of 2021)

MILAN RANA

Appellant

VERSUS

GOVT. OF NCT OF DELHI & ORS.

Respondents

ORDER

1. Leave granted.

2. This appeal challenges the judgment and order dated 13.05.2019 passed by the High Court¹ in LPA No.329 of 2019.

3. We need not set-out the factual details which have given rise to the instant appeal as the controversy in the matter is quite limited and the only issue is whether the appellant can claim parity with the case of one Harbhajan Kaur.

4. In Writ Petition (Civil) No.1053 of 2001 initiated by said Harbhajan Kaur, following order was passed by the High Court on 05.04.2010:

¹ The High Court of Delhi at New Delhi

“A writ is therefore issued to the respondents to regularize the appointment of the petitioner as PET in Central Academy Senior Secondary School, Sector-13, R.K. Puram, New Delhi w.e.f. 15th July, 2001 and to pay to her within six weeks hereof the arrears of wages/emoluments to which she would be so entitled as a PET and to, for all other aspects/benefits, also treat her as in the regular employment of the school w.e.f. 15th July, 2001. Considering the fact that the Supreme Court has in the past also deprecated the practice of such ad-hoc appointment of teachers and notwithstanding the same the respondents continued to indulge in the same practice and also contested the present petition, the respondents are also burdened with costs of Rs.10,000/of this petition, payable to the petitioner.”

5. The appeal arising therefrom was dismissed by the Division Bench and finally the Special Leave Petition arising from the dismissal of the appeal by the Division Bench, was also rejected by this Court.

6. The directions issued in the case of Harbhajan Kaur thus attained finality.

7. It is accepted that said Harbhajan Kaur was granted full benefits in terms of said directions. She was not only treated to be in regular employment with effect from 15.07.2001 but all the monetary benefit including arrears of wages and emoluments were granted to her.

8. Though the appellant stands on similar footing as said Harbhajan Kaur, her petition claiming identical relief was dismissed by the Single Judge of the High Court vide order dated 24.03.2015 passed in Writ Petition (Civil) No.1909 of 2002.

9. In appeal arising therefrom, the Division Bench of the High Court allowed the appellant to withdraw the original writ petition in view of certain circulars, with which we need not burden the instant order. Suffice it to say that the subsequent challenge raised by the appellant in the second round found favour with the High Court and she was granted the relief of regularization with all consequential benefits but the benefit was restricted from the date of filing of the second writ petition. Said Order of the Division Bench of the High Court is now under challenge.

10. The entitlement of the appellant to the relief of regularization and all consequential benefits is not disputed by the respondent.

11. Having considered the facts and circumstances on record and the rival submissions, in our view, the appellant is entitled to the benefits as were granted to said Harbhajan Kaur and there was no occasion to limit the operation of such 'benefits with effect from the day of filing of the second writ petition.

12. The facts on record indicate that Harbhajan Kaur was granted benefit from the beginning of the Academic Session when she had filed the writ petition. Applying the same analogy, in our view, the appellant is entitled to the benefit of regularization and all other consequential benefits from the beginning of Academic Session of 2002 when her initial writ petition was filed.

13. Ordered accordingly.

14. The order shall be implemented within eight weeks from today and the arrears shall be paid to the appellant within two weeks from thereafter.

15. With these observations, the appeal is allowed, without any order as to costs.

.....J.
(UDAY UMESH LALIT)

.....J.
(S. RAVINDRA BHAT)

.....J.
(PAMIDIGHANTAM SRI NARASIMHA)

New Delhi
April 05, 2022